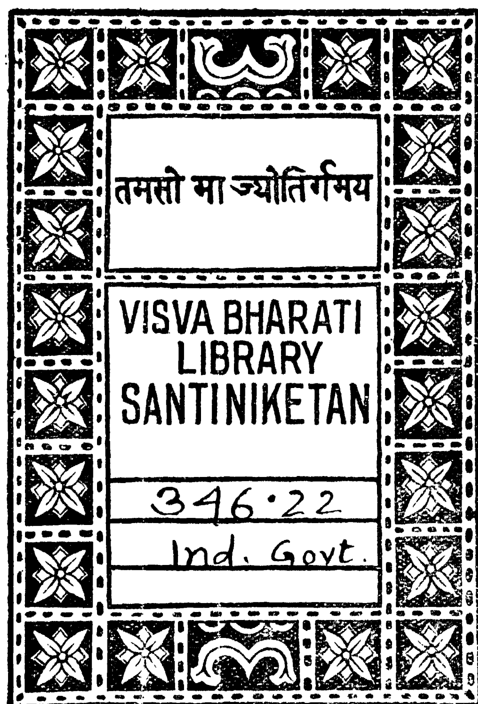

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PROPOSALS

FOR

INDIAN CONSTITUTIONAL REFORM

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TABLE OF CONTENTS.

Page.

PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM

INTRODUCTION.

The White Paper of December, 1931.

1. In December 1931 both Houses of Parliament adopted a motion expressing approval of the Indian policy of His Majesty's Government, as announced to the Indian Round Table Conference and set out in Command Paper 3972. That policy, stated in the broadest terms, involved the prosecution of further inquiries and discussions with the object of finding a suitable basis for the conversion of the present system of government in India into a responsibly governed Federation of States and Provinces, on the understanding that the responsible Government so established must, during a period of transition, be qualified by limitations in certain directions. These limitations, commonly described by the compendious term "safeguards", have been framed in the common interests of India and the United Kingdom.

2. Having pursued their further inquiries and discussions, including a third session of the Round Table Conference, His Majesty's Government are now in a position to indicate with greater precision and in fuller detail their proposals for an Indian Constitution; and it is their intention, as indicated by the Secretary of State for India to the House of Commons on the 27th June last, to invite both Houses of Parliament to set up a Joint Select Committee to consider these proposals in consultation with Indian representatives, and to report upon them. After this report has been laid it will be the duty of His Majesty's Government to introduce a Bill embodying their own final plans.

The form and purpose of the present document.

3. It should be made plain at the outset that although the proposals are set out below in the interests of clarity in the form of short paragraphs or clauses, the language used in so describing them must not in general be taken as representing the language which would actually be used if they were presented in statutory form. Nor must it be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper. At the same time it is hoped that the Proposals, read in the light of this Introduction, will make clear the principles which His Majesty's Government have followed.

4. One further explanation of the scope of this document should be given. It is unnecessary for the present purpose for His Majesty's Government, in anticipation of the discussions in Parliament, to marshal and elaborate here the general arguments in justification of their Proposals. It is not sought in this document to do more than to explain their exact nature and intended effect.

THE FEDERATION OF INDIA.

The processes involved in its formation.

5. The conception of a Federation of States and Provinces, and the processes involved in its formation necessitate a complete reconstruction of the existing Indian Constitution; these proposals are accordingly based on the assumption that the existing Government of India Act (which is a consolidation of the series of statutes relating to the government of India, the earliest of which dates from the 18th century) will be repealed *in toto*, and will be replaced by the Act which will ultimately embody the decision of Parliament, and which is in the following pages referred to as 'the Constitution Act'. The problems presented by the legal and constitutional reconstruction are briefly as follows :—

6. Federation elsewhere has usually resulted from a pact entered into by a number of political units, each possessed of sovereignty or at least of autonomy, and each agreeing to surrender to the new central organism which their pact creates an identical range of powers and jurisdiction, to be exercised by it on their behalf to the same extent for each one of them individually and for the Federation as a whole. India, however, has little in common with historical precedents of this kind. In the first place, British India is a unitary State, the administrative control of which is by law centred in the Secretary of State—in some respects in a statutory corporation known as the Secretary of State in Council—in whom are vested powers of control over "all acts, operations and concerns which relate to the government or revenues of India"; and such powers as appertain to the provincial Governments in India are derived by a species of delegation from this central authority and are exercised subject to his control. It follows that the Provinces have no original or independent powers or authority to surrender.

7. The States, on the other hand, though they are under the suzerainty of the King-Emperor, form no part of His Majesty's dominions. Their contact with British India has hitherto been maintained by the conduct of relations with their Rulers through the Governor-General in Council. Moreover, since Parliament cannot legislate directly for their territories, the range of authority to be conferred upon the Federal Government and Legislature in relation to the States must be determined by agreement with their Rulers; and the States have made it plain that they are not prepared to transfer to a Federal Government the same range of authority in their territories as it is expedient and possible to confer upon it in relation to the Provinces. The position will therefore necessarily be that in the Indian Federation the range of powers to be exercised by the Federal Government and Legislature will differ in relation to the two classes of units which compose it.

8. For the purpose, therefore, of meeting these conditions, it is proposed to set up a Federal Legislature, consisting of elected representatives of British India and of representatives of Indian States to be appointed by their Rulers, and a Federal Executive consisting of the Governor-General representing the Crown, aided and advised by a Council of Ministers, who will be responsible (subject to the

qualifications to be explained later) to the Legislature so composed, and to endow these authorities with powers and functions in relation to British India and with such powers and functions in relation to the States as the States-members of the Federation will formally accept as being of full force and effect within their territories. Full liberty will, of course, be reserved to the Crown to refuse to accept the accession of any State to the Federation if it is sought on terms incompatible with the scheme of Federation embodied in the Constitution Act.

9. On repeal of the present Government of India Act, all powers appertaining and incidental to the government of British India will vest in the Crown; and transition from the existing constitutional position briefly indicated above will be effected by making them exercisable on behalf of the Crown by the Governor-General, the Governors and other appropriate authorities established by or under the Constitution Act. The powers vested in the Crown in relation to the States and now exercisable through the Governor-General of India in Council, except in so far as they are requisite for Federal purposes and the Rulers have assented to their transfer to the appropriate Federal authority for those purposes, will be exercised by the Crown's representative in his capacity of Viceroy, and these powers will be outside the scope of the Federal Constitution.

10. The office of Governor-General of the Federation will be constituted by Letters Patent, and that document will set out the powers which the Governor-General will exercise as the King's representative; that is to say, the powers expressly conferred on him by the Constitution Act and such other powers, not inconsistent with that Act, as His Majesty may be pleased to delegate to him. The Governor-General himself will receive a Commission under the Royal Sign Manual appointing him to his office; and he will exercise and perform the powers and duties attaching to his office in such manner as may be directed by the Instrument of Instructions which he will receive from the King. The same arrangements *mutatis mutandis* are contemplated in the case of the Governor of each Province.

It is intended that the Viceroy shall in future be recognised as holding a separate office which will also be constituted by Letters Patent, and the latter will serve as the means of conferring on the Governor-General, in the capacity of Viceroy, the powers of the Crown in relation to the States outside the Federal sphere. With these the Constitution Act will not, of course, be concerned.

11. So far as British India is concerned, the first step requisite in the transfer from a unitary to a federal polity is to define by Statute the jurisdiction and competence of the Federal and Provincial authorities respectively—or, in other words, to create Provinces with an autonomy of their own, and to assign to them a defined and exclusive share of the activities of government. It is accordingly proposed to declare that the executive power and authority in each of the Governors' Provinces is vested in the King and is exercisable by the Governor as the King's representative; to constitute a Council of Ministers to aid and advise the Governor, and a Legislature of elected representatives of the provincial populations to whom the Ministers will be responsible; and to define the competence of this Legislature

(and of the Federal Legislature) in terms of subjects, some of which will be exclusively assigned to the Federal and Provincial Legislatures respectively, while over others both Federal and Provincial Legislatures will exercise a concurrent jurisdiction, with appropriate provisions for resolving conflicts of laws.

The Date and Conditions for the Inauguration of Federation.

12. It will be apparent that the mere passing of the Constitution Act will not of itself suffice to bring the Federation into being. Apart from the preparatory processes required in British India, which cannot be completed until the Constitution Act is on the Statute Book, and which must inevitably occupy some time—the preparation of new and enlarged electoral rolls for the Provincial and Federal Legislatures, and the demarcation of constituencies are matters in point—the final discussions with the States with regard to their Instruments of Accession and the execution of the latter cannot be undertaken until the Act which will be the basis of the Princes' accession has been passed, for until that time arrives the States will not be in possession of complete knowledge of the character and powers of the Federation to which they are asked to accede. So far as the States are concerned, His Majesty's Government propose as the condition to be satisfied before the Federal Constitution is brought into operation that the Rulers of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber shall have executed Instruments of Accession.

It is the intention of His Majesty's Government that the Federation shall be brought into being by Royal Proclamation, but that the Proclamation shall not be issued until both Houses of Parliament have presented an Address to the Crown with a prayer for its promulgation.

Prerequisites of a financial character to the inauguration of responsible Federal Government are dealt with in paragraph 32.

13. At the same time His Majesty's Government do not contemplate the introduction of the new autonomous constitutions in the Provinces under conditions which will leave Federation as a mere contingency in the future. It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States. But the coming into being of the autonomous Provinces will only be the first step towards the complete Federation for which the Constitution Act will provide; and His Majesty's Government have stated that if causes beyond their control should place obstacles in the way of this programme they will take steps to review the whole position in consultation with Indian opinion.

Provision will accordingly be required in the Constitution Act for the period, however short it may be, by which Provincial autonomy may precede the complete establishment of the Federation. The nature of the transitory arrangements contemplated for this purpose is explained in paragraph 202 of the Proposals.

The Federal Executive.

14. The executive power and authority of the Federation will be vested in the King and will be exercised by the Governor-General as his representative, aided and advised by a Council of Ministers* responsible to a legislature containing representatives both of British India and of the States. But whereas in the Provinces the Council of Ministers will be entitled, as will be seen from a later paragraph, to tender advice to the Governor on all matters which fall within the scope of provincial administration, other than the use of powers described by the Constitution Act as being exercisable by the Governor at his discretion, the transfer of responsibility at the Centre will not be coextensive with the range of the Federal Government's activities. Certain Departments, namely, those concerned with Defence, External Affairs and Ecclesiastical administration, are to be entrusted to the Governor-General personally, and these matters he will control in responsibility to His Majesty's Government and Parliament. For example, the rights and conditions of service of the personnel of the defence forces will continue generally to be regulated as at present. In the exercise, moreover, of certain specific powers to be conferred by the Constitution on the Governor-General, and to be expressed as being exercisable at his discretion, the Governor-General will be entitled to act without seeking advice from his Ministers. On other matters, Ministers will tender advice to the Governor-General and the Governor-General will be guided by that advice, unless so to be guided would in his judgment be inconsistent with the fulfilment of any of the purposes for which he will be declared by the Constitution Act to be charged with a "special responsibility", in which case the Governor-General will act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of those "special responsibilities".

15. For the purpose of assisting him in the administration of the Reserved Departments the Governor-General will be empowered to appoint at his discretion not more than three Counsellors whose salaries and conditions of service will be prescribed by His Majesty in Council. The Governor-General will not be restricted in any way in his choice of these Counsellors; the sole consideration will be to select the individual best suited, in the Governor-General's opinion, for the office, wherever he may be found. The Counsellors will be *ex officio* members of both Chambers of the Legislature though without the right to vote; they are not therefore included in the numbers mentioned in the following paragraphs.

The Federal Legislature.

16. The Federal Legislature will be bicameral, the two Chambers possessing identical powers, except that Money Bills and Votes of Supply will be initiated in the Lower Chamber, and that the range of the functions of the Upper Chamber in relation to Supply will be less extensive than

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* For the method of appointing to the Council of Ministers see Proposals, paragraph 14.

those of the Lower Chamber (see paragraph 48 of the Proposals). Equality of powers necessitates arrangements for the solution of deadlocks ; the arrangements proposed are set out in paragraph 41 of the Proposals.

17. The Lower Chamber, or House of Assembly, of the Federal Legislature will consist of a maximum of 375 members, of whom 125 will be appointed by the Rulers of States-members of the Federation. The remaining 250 members will be representatives of British India and their seats will be allocated to the Provinces and to the several communities and interests in each province in the manner indicated in Appendix II. The British Indian members will be directly elected.

18. The Upper Chamber, or Council of State, will consist of a maximum of 260 members, of whom 100 will be appointed by the Rulers of the States-members of the Federation. The British Indian members, 150 in number, will, for the most part, be elected by the members of each Provincial Legislature by the method of the single transferable vote. An exception will be made in the case of those minorities (Europeans, Anglo-Indians and Indian Christians) whose representatives in the Provincial Legislatures would be insufficiently numerous to provide the necessary quota to secure representation in the Upper Chamber. The arrangements proposed for these minorities and the numbers of seats assigned to each Province are indicated in Appendix I. Except for these three minorities the specific allocation of seats on a communal basis would thus be avoided. It is, however, the intention of His Majesty's Government that Muslims should be able to secure one-third of British Indian seats in the Upper House ; and if it is considered that the adoption of proportional representation in the manner proposed makes insufficient provision for this end they are of opinion that modification of the proposals should be made to meet the object in view.

In addition the Governor-General will be empowered to nominate not more than ten members (not officials) thus providing an opportunity of adding to the Chamber a small group of the elder statesman type.

19. The allocation of the seats among the States-members of the Federation, both for the Federal Assembly and Council of State is at present under discussion with Rulers. His Majesty's Government are accordingly unable at the moment to put forward specific proposals. But their view is that the detailed allocation of seats which will eventually be provided for in the Constitution Act should be based, in the case of the Council of State, on the rank and importance of the State as indicated by the dynastic salute and other factors and that in the case of the Lower Chamber it should be based *in the main* on population.

The franchise for the Federal Legislature.

20. Since the British Indian seats in the Upper Chamber of the Federal Legislature will be filled by indirect election by the Provincial Legislatures, no question of franchise qualifications arises, though certain specific property or other qualifications will be required in members of the Upper House.

21. The franchise of the Lower Chamber of the Federal Legislature will, for practical purposes, be the existing franchise for the present Provincial Legislatures. In Bihar and Orissa the qualifications will be changed, but the character and numerical effect will be substantially as at present. In the Central Provinces, where the existing percentage of enfranchisement is unusually low, an alternative franchise of the same character but on a wider scale has been worked out by the Local Government. The existing franchise in all provinces is essentially based on property. In adopting it (with the modifications referred to above) as the franchise for the Lower Chamber of the Federal Legislature it is proposed to supplement the property qualification by an educational qualification common to men and women, and, where necessary, by a differential franchise such as to produce an electorate of approximately 2 per cent. of the population of the Scheduled Castes* (hitherto known as Depressed Classes) in every province, except in Bihar and Orissa, in which the general percentage of enfranchisement is lower than elsewhere, and in the North-West Frontier Province and Sind, where the numbers of the Scheduled Castes are negligible. The ratio of women to men electors for the Federal Assembly will for practical purposes remain unchanged under the present proposals, although the number of women electors will be substantially increased, and special provision will be made by reservation of seats to secure the presence of women in the Assembly. His Majesty' Government fully appreciate the importance of a large women electorate for the Federal Assembly and their proposal to leave the ratio of electors at the point now suggested is made only after exhaustive discussion with Indian authorities and in view both of the administrative difficulties involved in any further increase and of the objections to a differential franchise based on education, by adoption of which alone any substantial addition to the women electorate could conveniently be made in present conditions. Provision will also be made for an electorate for the seats to be provided for Commerce, Labour and other special interests in the Federal Lower Chamber.

22. The details of the franchise proposed are set out in Appendix IV. It should be emphasised that pending preparation of an electoral roll these qualifications are inevitably to some extent stated in general terms, and that modifications of detail may be found necessary on various points once the preparation of the roll is undertaken. Registration of claimants in respect of an educational qualification will, at any rate for the first two elections, be only on application by the potential voter†. The effect of acceptance of the proposals in question would be to enfranchise as voters for the Federal Legislature between 2 and 3 per cent. of the total population of British India. The gross total electorate would, so far as can be judged, amount to between 7 and 8 millions.

Governor-General's relations with his Ministers.

23. Although the Reserved Departments will be administered by the Governor-General on his sole responsibility, it would be impossible in practice for the Governor-General to conduct the affairs of these

* The Castes in each Province scheduled as requiring special electoral protection are enumerated in Appendix VIII.

† See introductory note to Appendices IV and V, paragraph 3.

Departments in isolation from the other activities of his Government, and undesirable that he should attempt to do so, even if it were in fact possible. A prudent Governor-General would therefore keep his Ministers and the advisers whom he has selected to assist him in the Reserved Departments in the closest contact; and, without blurring the line which will necessarily divide on the one hand his personal responsibility for the Reserved Departments, and, on the other hand, the responsibility of Ministers to the Legislature for the matters entrusted to their charge, he would so arrange the conduct of executive business that he himself, his Counsellors and his responsible Ministers, are given the fullest opportunity of mutual consultation and discussion of all matters—and there will necessarily be many such—which call for co-ordination of policy. His Majesty's Government intend to secure the embodiment of this principle in appropriate terms in the Governor-General's Instrument of Instructions. For example, they contemplate that the Instrument should contain a direction to the following effect: "without derogation from your responsibilities you shall encourage joint deliberations between yourself, your Counsellors, and your Ministers, and in particular you shall make it your endeavour to secure that the views of your Ministers in relation to Defence expenditure shall be ascertained and duly weighed before the appropriations for Defence are laid before the Legislature". The Instrument of Instructions will also formally recognise the fact that the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone. But at the same time, it will make it clear, without ambiguity, that whatever consultation between the Governor-General and his responsible Ministers may take place upon matters arising in the Reserved Departments, the responsibility for the decisions taken is the Governor-General's and the Governor-General's alone.

24. A different problem presents itself in regard to the Governor-General's relations with his Ministers outside the ambit of the Reserved Departments, *i.e.*, in the Departments which will be entrusted to the charge of Ministers responsible for the conduct of their administration of them to the Legislature. In this sphere Ministers, as already explained, will have a constitutional right to tender advice, and the Governor-General will, except to the extent and in the circumstances explained below, be guided by that advice. The problem is so to define the circumstances in which he will be entitled to act on his own exclusive responsibility. His Majesty's Government consider that the most satisfactory course will be :—

(*a*) the enactment of provisions in the Constitution Act laying down that the Governor-General has a "special responsibility", not for spheres of administration, but for certain clearly indicated general purposes, and that for securing these purposes he is to exercise the powers conferred upon him by the Constitution Act in accordance with directions contained in his Instrument of Instructions; and

(*b*) the insertion in the Instrument of Instructions *inter alia* of a direction to the effect that the Governor-General is to be guided by his Ministers' advice unless so to be guided would,

in his judgment, be inconsistent with a " special responsibility " imposed upon him by the Constitution Act, in which case he is to act, notwithstanding his Ministers' advice, in such manner as he judges requisite for the due fulfilment of his special responsibility.

It will be apparent from what has been said in this and the preceding paragraph that the Instrument of Instructions will assume a position of great importance as an ancillary to the Constitution Act, and His Majesty's Government propose that appropriate arrangements shall be made to secure to both Houses of Parliament opportunity to make to His Majesty representations for amendments or additions to, or omissions from, the Instructions.

25. It remains to indicate the matters or purposes in respect of which the Governor-General should be declared, in accordance with the proposals in the preceding paragraph, to have a special responsibility in relation to the operations of the Federal Government. It is proposed that they should be the following :—

(*i*) the prevention of grave menace to the peace or tranquillity of India or of any part thereof ;

(*ii*) the safeguarding of the financial stability and credit of the Federation ;

(*iii*) the safeguarding of the legitimate interests of minorities;

(*iv*) the securing to the members of the Public Services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests ;

(*v*) the protection of the rights of any Indian State ;

(*vi*) the prevention of commercial discrimination ;

(*vii*) any matter which affects the administration of the Reserved Departments.

26. Before describing in detail the scope and purpose of the items in this list, it is desirable to explain the precise effect which is contemplated as the result of imposing upon the Governor-General these " special responsibilities ". In the first place, it should be made clear that unless and until the Governor-General feels called upon to differ from his Ministers in the discharge of a " special responsibility ", the responsibility of Ministers for the matters committed to their charge remains complete. To take a concrete instance, it will clearly be the duty of Ministers, rather than of the Governor-General himself, to ensure that the administration of their departments is so conducted that minorities are not subjected to unfair or prejudicial treatment. The intention of attributing to the Governor-General a special responsibility for the protection of minorities is to enable him, in any case where he regards the proposals of the Minister in charge of a department as likely to be unfair or prejudicial to a particular minority, in the last resort to inform the Minister concerned (or the Ministers as a body, if they generally support the proposals of their colleague), that he will be unable to accept the advice tendered to

him. Nor is it contemplated that the Governor-General, having been vested with "special responsibilities" of the kind indicated, will find it necessary, to be constantly overruling his Ministers' advice. The present proposals in general necessarily proceed on the basic assumption that every endeavour will be made by those responsible for working the Constitution to approach the administrative problems which will present themselves in the spirit of partners in a common enterprise. In the great bulk of cases, therefore, in day-to-day administration, where questions might arise affecting the Governor-General's "special responsibilities" mutual consultation should result in agreement, so that no question would arise of bringing the Governor-General's powers in connection with his special responsibilities into play.

27. Reverting now to the list of "special responsibilities" in paragraph 25, the necessity for the items numbered (*i*), (*iii*) and (*iv*) follows as a matter of course from previous statements of His Majesty's Government's policy. With regard to item (*vii*) it is apparent that if, for example, the Governor-General were to be free to follow his own judgment in relation to Defence policy only in regard to matters falling strictly within the ambit of the department of Defence, he might find that proposals made in another department in charge of a responsible Minister are in direct conflict with the line of policy he regards as essential for purposes connected with Defence, and consequently that the discharge of his responsibilities for Defence would be gravely impaired if he accepted the advice of the Minister responsible for the charge of the other department in question. If, therefore, such a situation is to be avoided, it is impossible to secure the object in view otherwise than by expressing the Governor-General's "special responsibility" in some such terms as those indicated in item (*vii*).

28. As regards item (*v*), it should be explained that this is not intended to give the Governor-General any special powers *vis-à-vis* the States in relation to matters arising in the Federal sphere proper; the necessary powers having been transferred by the States in their Instruments of Accession, such matters will be regulated in accordance with the normal provisions of the Constitution Act. Nor is it intended that the inclusion of this item should be regarded as having any bearing on the direct relations between the Crown and the States. These will be matters for which the Constitution will make no provision and which will fall to be dealt with by the Viceroy, who will be the Governor-General in a capacity independent of the Federal organisation. It may be, however, that measures are proposed by the Federal Government, acting within its constitutional rights in relation to a Federal subject, or in relation to a subject not directly affecting the States at all, which, if pursued to a conclusion, would affect prejudicially rights of a State in relation to which that State had transferred no jurisdiction. Or, again, policies might be proposed or events arise in a Province which would tend to prejudice the rights of a neighbouring State. In such cases it is evident that it must be open to the Crown, through the Governor-General or the Governor, as the case may be, to ensure that the particular course of action is so modified as to maintain the integrity of rights secured to the State by Treaty or otherwise.

29. Item *(vi)* is intended to enable the Governor-General to deal with proposals which he regards as likely to have discriminatory effects. As regards legislative discrimination detailed proposals will be found in paragraphs 122—124 of the Proposals. Any legislative measure, Federal or Provincial, which was inconsistent with these proposals would be invalid and could be challenged as such in the Courts ; and the Governor-General or the Governor, as the case may be, would be entitled to act otherwise than in accordance with his Ministers' advice, if he considered that such advice involved discriminatory action in the administrative sphere. The Governor-General's powers will enable him to reserve any bill on which he had doubts.

30. The second item in the list of special responsibilities deserves to be noticed at rather greater length since it involves the whole question of what have become known as "financial safeguards". Subject to the powers conferred upon the Governor-General by this responsibility and subject to what is stated below as regards the Reserve Bank, it is intended that the Finance of the Federation should, like all other subjects except those included in the Reserved Departments, be entrusted to the Minister. Unless occasion arises for the exercise of the Governor-General's special powers, it will therefore be for the Minister, and the Minister alone, to take decisions on all such matters as the means to be used for raising the necessary revenues, for allocating expenditure in the responsible field, and for the programme of external and internal borrowing.

The service of certain obligations, *e.g.*, the service of the Debt, the salary of the Governor-General, the salaries and pensions of Judges of the Federal Court, will be a "charge" on the revenues of the Federation; other expenditure will be appropriated annually but certain Heads* of it, in particular the expenditure on the Reserved Departments, will not require a vote of the Legislature.

31. The object of the Governor-General's special responsibility for "the safeguarding of the financial stability and credit of the Federation" is to confer on him powers to step in, if the need should arise, in the event of the policy of his Minister in respect, for example, of budgeting or borrowing being such as to be likely in the Governor-General's opinion to endanger seriously the provision of resources to meet the requirements of his Reserved Departments or any of the obligations of the Federation, whether directly, or indirectly by prejudicing India's credit in the money-markets of the world. The definition of this special responsibility is drawn in somewhat wide terms not in order to diminish the field of responsibility of the Minister, but owing to the difficulty of giving a detailed specification of financial operations or measures which might on occasion endanger stability and call for the use of the Governor-General's powers. In order that assistance may be available to him in the discharge of this special responsibility, the Governor-General will be empowered to appoint a Financial Adviser (without executive powers), whose services would also be available to the Minister.

It will be seen that provision is made in paragraph 147 of the Proposals that the trustee status of the existing India sterling loans will be maintained and will be extended to the future sterling federal loans.

* See paragraph 49 of the Proposals for full list.

32. The proposals relating to responsibility for the Finance of the Federation are based on the assumption that before the first Federal Ministry comes into being, a Reserve Bank, free from political influence, will have been set up by Indian legislation and be already successfully operating. The Bank would be entrusted with the management of currency and exchange.

His Majesty's Government and the Government of India are taking every step in their power to facilitate and expedite the establishment of a Reserve Bank on sound principles. Some, however, of the conditions necessary for the successful establishment and operation of such a bank, depending as they do on world economic conditions, are not altogether within their control. The report of the committee of the Third Round Table Conference on Financial Safeguards mentions the following as conditions to be fulfilled—" that the Indian budgetary position should be assured, that the existing short-term debt both in London and in India should be substantially reduced, that adequate reserves should have been accumulated, and that India's normal export surplus should have been restored."

If a situation should arise in which all other requirements for the inauguration of the Federation having been satisfied, it had so far proved impossible successfully to start the Reserve Bank, or if financial, economic or political conditions were such as to render it impracticable to start the new Federal and Provincial Governments on a stable basis, it would inevitably be necessary to reconsider the position and determine in the light of the then circumstances what course should be pursued. If, unfortunately, such reconsideration became necessary, His Majesty's Government are pledged to call into conference representatives of Indian opinion.

33. Apart from the Reserved Departments, and the specified " special responsibilities " of the Governor-General outside the sphere of those Departments, there is a third category of matters in which the Governor-General will not be under any constitutional obligation to seek, or, having sought, to be guided by, ministerial advice. For this purpose certain specified powers will be conferred by the Constitution on the Governor-General and will be expressed as being exercisable " at his discretion ". In this category of " discretionary powers," the precise range of which it will be impossible exhaustively to foresee until the drafting of the Constitution Act has reached completion, His Majesty's Government anticipate that the following matters will be included :—

(*a*) The power to dissolve, prorogue, and summon the Legislature;

(*b*) The power to assent to, or withhold assent from, Bills, or to reserve them for the signification of His Majesty's pleasure ;

(*c*) The grant of previous sanction to the introduction of certain classes of legislative measures ;

(*d*) The power to summon forthwith a Joint Session of the Legislature in cases of emergency, where postponement till the expiration of the period to be prescribed by the Constitution Act might have serious consequences.

Governor-General's Relations with the Legislature.

34. It is also a necessary corollary of what has already been said that the special powers to be conferred on the Governor-General for the purpose of enabling him to discharge his responsibilities must be similarly exercisable in his discretion. To the foregoing must, therefore, be added—

(*e*) The power to take action, notwithstanding an adverse vote in the Legislature—to be dealt with more fully below;

(*f*) The power to arrest the course of discussion of measures in the Legislature—also dealt with below;

(*g*) The power to make rules of legislative business in so far as these are required to provide for the due exercise of his own powers and responsibilities.

35. It is not, in fact, sufficient merely to regulate the Governor-General's relations with his responsible Ministers, *i.e.*, to regulate matters arising in discussion amongst the members of the executive Government. It follows from previous declarations by His Majesty's Government, upon which these Proposals are based, that the Governor-General must be given powers which will enable him effectively to discharge the responsibilities entrusted to him, whether for the Reserved Departments or the "special responsibilities" indicated above, if their discharge involves action normally lying within the functions of the Legislature to which the Legislature will not agree. The general scheme underlying the Proposals is that, wherever the Governor-General's responsibilities for the Reserved Departments, or his special responsibilities, are involved, he should be empowered not only to act without, or, as the case may be, contrary to, the advice of his Ministers, but also to take action notwithstanding an adverse vote of the Legislature whether such a vote relates to the passage of legislation or to the appropriation of funds.

36. But it will clearly be of importance to the fostering of the sense of responsibility in Ministers and Legislature alike that room should not be left for doubt whether in any given case the responsibility for the decision is, or is not, that of the Ministers or of the Legislature, as the case may be—in other words, it is of importance that the special powers of the Governor-General should be so framed as to make it plain that the responsibility for the results of their exercise lies upon him. The necessity for the use of the Governor-General's legislative power may arise through the refusal of Ministers to be parties to a Bill, or to provisions in a Bill, which the Governor-General regards as essential to the discharge of his responsibilities, or where the Legislature rejects or fails to pass a Bill for which Ministers have accepted responsibility and which the Governor-General regards as essential; or the Legislature may alter the Bill to a form which would fail to secure the object which the Ministers and the Governor-General have in view.

37. The essential point to be secured, in both contingencies, is, as already indicated, that when the Governor-General decides that the discharge of his responsibilities necessitates a course of action to which

he is unable to obtain the consent either of his Ministers or of the Legislature—or perhaps of both—the resulting enactment should not purport to be an enactment of the Legislature (as is the case with Acts which the Governor-General "certifies" under the existing Government of India Act), and further that its presentation to the Legislature should be brought about by the personal intervention of the Governor-General, that his responsibility for it should be manifest, and that Ministers should be in no way compromised by his action either with their supporters in the Legislature or their constituencies in the country. On the other hand, it would be undesirable to carry this principle to the logical extreme of placing all measures for which the Governor-General has himself to assume responsibility on the footing of Ordinances, the enactment of which involves no reference to the Legislature at all. The Governor-General's powers in this regard should therefore be such as to enable him to test opinion in the Legislature; if he finds a majority there in support of his policy no question arises of using his special powers. If he finds only a minority in the Legislature in favour of his policy, he would at all events secure that measure of moral support, but he would carry out his policy on his own responsibility without compromising either the Ministers with their supporters in the Legislature, or the latter with their constituencies. It is accordingly proposed that measures enacted by the Governor-General without the consent of the Legislature should be described as "Governor-General's Acts", and that a special form of enacting words should be employed to distinguish them from Acts "enacted by the Governor-General by and with the consent of both Chambers of the Legislature".

38. The corresponding powers proposed for the Governor-General in the matter of supply are based upon the same principles. The Budget will be framed by the Finance Minister in consultation with his colleagues and with the Governor-General. The decision as to the appropriations required for the Reserved Departments and for the discharge of the functions of the Crown in relation to the Indian States will of course be taken by the Governor-General on his own responsibility, though he will be enjoined by his Instrument of Instructions to consult his Ministers before reaching any decision on appropriations for the Department of Defence. Appropriations required for the non-reserved Departments will be the responsibility of Ministers. But the proposals for raising revenue and for appropriation of those revenues will be subject to the common constitutional rule (see paragraph 45 of the Proposals) that as laid before the Legislature they carry a recommendation from the representative of the Crown. If the Governor-General regards his Ministers' proposals for appropriations as insufficient to enable him adequately to fulfil any of his "special responsibilities", he will be entitled to append to the Budget statement, when laid before the Legislature, additional proposals for appropriation under any head in respect to which he regards his Ministers' proposals as inadequate. These additional proposals (if any) of the Governor-General will be distinguished as such in the Budget Statement and whether they relate to non-votable or to votable Heads of expenditure the Legislature will not be invited to vote upon them: in other words the appropriations on which the Legislature will be invited to vote will be those proposed by the Ministry.

39. After the Legislature has discussed the Budget as a whole and has voted upon those proposals for appropriations which are submitted to the vote, the Governor-General will be called upon to authenticate by his own signature the appropriations. In authenticating those under the non-votable heads he will be entitled to include in his authentication the sums additional to those proposed by his Ministers under those Heads which he originally included in the Budget Statement or, if he thinks fit, reduced sums. He will be similarly required to authenticate the Grants as voted by the Legislature and in so doing he will be entitled, if he regards this as necessary for the fulfilment of any of his " special responsibilities ", to include in his authentication any sums not in excess of those by which the Legislature may have reduced the Grant submitted to it. By this procedure the Ministry on the one hand, and the Legislature on the other, will be left free to exercise their respective responsibilities in the matter of supply—the Ministers, by accepting responsibility for proposals for appropriations so far as and no further than they are prepared to hold themselves responsible to the Legislature, and the Legislature, by recording their agreement or disagreement with Ministers' proposals : at the same time, the Governor-General, if he is unable to accept the proposals of his Ministers, or the decision of the Legislature, as consistent with the discharge of any of his special responsibilities, will be enabled to bring the resulting appropriations into accord with his own estimates of the requirements and, if necessary, through his special legislative powers to secure that the Annual Finance Act provides him with resources which will cover the appropriations which he finally authenticates.

The procedure of authentication by the Governor-General is proposed for a double purpose :

(1) to secure that audit authorities should be concerned only with a single document as authority for all appropriations of revenue, by whatever legal procedure such appropriations have been made ; and

(2) to secure that the Governor-General does not make any appropriations under his special powers without the Legislature being made cognisant thereof.

40. It will, in addition, be necessary to arm the Governor-General with a legislative power which is capable of immediate employment in emergencies, either when the Legislature is not in session or, if it is in session, to meet circumstances which necessitate immediate action. It is, therefore, proposed to vest in him a power analogous to the existing Ordinance-making power. Indeed, in addition to such a power to be placed at the disposal of the Governor-General in his discretion for the express purpose of discharging his responsibilities for a Reserved Department, or for carrying out a " special responsibility ", His Majesty's Government are of opinion that a similar power must necessarily be placed at the disposal of the Governor-General acting with his Ministers, *i.e.*, at the disposal of the Federal Government, to meet cases of emergency when the Legislature is not in session, the

Ordinances resulting therefrom being limited in duration to a specified period, unless previously revoked by the Legislature after its reassembly.

41. Finally, it is proposed that the Constitution should contain provision requiring the previous sanction of the Governor-General acting in his discretion to the introduction of any Bill affecting a Reserved Department and certain other matters set out in paragraph 119 of the Proposals.

42. It is perhaps desirable to summarise very briefly the effect of these proposals. The intention is that the special powers of the Governor-General properly so described, namely, his power to obtain legislation and supply without the assent of the Legislature, will flow from the responsibilities specifically imposed upon him and be exercisable only for the purpose of enabling those responsibilities to be implemented. The responsibilities to be imposed on the Governor-General by the Constitution will be of two kinds—an exclusive responsibility for the administration of the Reserved Departments, and a "special responsibility" for certain defined purposes outside the range of the Reserved Departments. On the administration of the Reserved Departments, Ministers will have no constitutional right to tender advice; nor will they have any such right to tender advice on the exercise of any powers conferred upon the Governor-General for use in his discretion. On all other matters Ministers will be constitutionally entitled to tender advice, and unless that advice is felt by the Governor-General to be in conflict with one of his special responsibilities he will be guided by it. If, in discharge of his responsibility for a Reserved Department, or of a special responsibility, the Governor-General decides that a legislative measure or a vote of supply to which the Legislature has not assented is essential, his special powers will enable him to secure the enactment of the measure or the provision of the supply in question, but Ministers will not have any constitutional responsibility for his decision.*

43. It remains only to explain that in so far as the Governor-General or a Governor is not advised by Ministers, the general requirements of constitutional theory necessitate that he should be responsible to His Majesty's Government and Parliament for any action he may take, and that the Constitution should make this position clear. In the case of a Governor the chain of responsibility must necessarily include the Governor-General.

44. The proposals indicated above have no reference to situations where a complete breakdown of the constitutional machinery has occurred. It is the intention of His Majesty's Government that the Constitution should contain separate provision to meet such situations, should they unfortunately occur either in a Province or in the Federation as a whole, whereby the Governor-General or the Governor, as the case may be, will be given plenary authority to assume all powers that he deems necessary for the purpose of carrying on the King's Government.

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*See footnote to the Proposals, paragraph 6.

The Governors' Provinces.

The Executive.

45. The eleven provinces* named in the margin will become autonomous units, the government of each being administered by a Governor representing the King, aided and advised by a Council of Ministers responsible to the Legislature of the Province. The Council of Ministers will be entitled to tender advice to the Governor on all matters which fall within the provincial sphere, other than the use of powers described by the Constitution Act as exercisable by the Governor at his discretion. The Governor will be guided by the advice tendered to him by Ministers, unless so to be guided would be, in his judgment, inconsistent with the fulfilment of any of the purposes for the fulfilment of which he will be declared by the Constitution Act to be charged with a "special responsibility"; in which case the Governor will be entitled, and enjoined, to act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of his special responsibilities.

Madras, Bombay, Bengal, The United Provinces, The Punjab, Bihar, †The Central Provinces, Assam, The North-West Frontier Province, Sind, Orissa.

Governors' special powers and responsibilities.

46. As indicated above, the scheme for the Governor-General's responsibilities and powers will be applicable in all respects to the Governor in relation to his Ministers and Legislature, with the following modifications: In the provinces there will be no category exactly corresponding to the Reserved Departments of the Governor-General, though analogous arrangements are intended in order to provide for the administration of frontier areas in certain Provinces which, from the primitive nature of their populations and their general characteristics, will have to be excluded from the normal operation of the Constitution. With this exception, the Governor's special powers will flow from, and be expressed as being required in order to enable him to discharge his "special responsibilities" only.

47. As regards the "special responsibilities" of the Governors, these will be identical with those indicated in the case of the Governor-General, save that the first item on the list will necessarily be confined in scope to the Province, or any part thereof, and not extend, as in the case of the Governor-General, to India as a whole. Special responsibility for the financial stability of the Provinces will not be imposed on the Governors. On the other hand, in the case of the Governors, it will be necessary to add to the list of "special responsibilities" an item relating to the execution of orders passed by the Governor-General. As the

* It has not been possible to include in the proposals any relating to Burma, as Burma has, as yet, made no choice between the alternatives of separation from India, with a constitution as outlined in Command Paper 4004/32, or inclusion as a Governor's Province in the Federation of India.

† With Berar, subject to the approval of conditions which are under discussion with His Exalted Highness the Nizam's Government.

Governor-General is to be charged with the general superintendence of the actions of Governors in exercise of their "special responsibilities", and if, as has already been proposed, he is himself to have imposed upon him a "special responsibility" for the prevention of grave menace to peace and tranquillity throughout the country, it follows that he must be in a position to ensure that his instructions to a Governor are acted upon; and consequently that the Governor must be in a position to act otherwise than on his Ministers' advice, if such advice conflicts with the Governor-General's instructions*. Finally, it will be necessary to impose upon the Governor a "special responsibility" for the administration of certain excluded areas, if, as seems probable, the arrangements for the administration of excluded areas involve their classification into two categories, one of which would be placed under the exclusive control of the Governor, while the other is made subject to Ministerial control, but with an over-riding power in the Governor obtained in the manner explained in earlier paragraphs through his "special responsibility".

The special responsibilities dealt with in this paragraph have been discussed and reported on by the Round Table Conference at its third session. Apprehension was expressed by some members at the first Round Table Conference that grave danger to the peace and tranquillity of a Province might develop if the internal administration and discipline of the police were not secured; but this matter was not discussed at the third Round Table Conference in relation to the special responsibilities of the Governor. His Majesty's Government propose to deal with it by inserting in the Instrument of Instructions of the Governor a direction that he should bear in mind the close connection between his special responsibility for peace and tranquillity and the internal administration and discipline of the police.

48. The division of legislative powers between Centre and Provinces would no longer make appropriate the concentration in the hands of the Governor-General of the power to legislate in emergency by Ordinance on provincial matters and this power will now be conferred on Governors also, for the double purpose indicated in paragraph 40.

The Provincial Legislature.

49. The Provincial Legislatures will be enlarged to the extent indicated in Appendix III. The allocation of seats and method of election for the Provincial Legislative Assemblies (Lower Houses) is in accordance with the provisions contained in what is generally referred to as His Majesty's Government's Communal Award of the 4th August last (Cmd. 4,147/1932). The only modifications made are the adaptation of the figures necessary in view of the subsequent decision to establish Orissa as a separate Province and an alteration in respect of the representation of the Depressed Classes made in the circumstances explained below. This Award was given by His Majesty's Government in order to remove the obstacle to further progress in the framing of a Constitution which was presented by the failure of communities in India themselves to reach agreement on the subject of the method and quota of representation of communities in the Provincial Legislatures.

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* See also paragraph 55 of Introduction.

His Majesty's Government in the Award pledged themselves not to vary their recommendations to Parliament on this subject save with the mutual agreement of the communities affected and themselves to take no part in any negotiations initiated by the communities with a view to revision of their decision. One such variation has been made, namely in respect to the arrangements for the representation of the Depressed Classes which have been modified in accordance with an agreement, now known as the Poona Pact, reached on the 24th September last between representatives of the Depressed Classes and of the rest of the Hindu community.

His Majesty's Government stated in their Award that modification of the communal electoral arrangements might be made after ten years with the assent of the communities affected, for the ascertainment of which suitable means would have to be devised.

The members of the Provincial Legislative Assemblies will be in all cases elected, and no officials will be eligible for election. In three Provinces* the Legislature will be bicameral: in the remainder it will consist of a single Chamber. But provision is made in the Proposals (paragraph 74) whereby, subject to restriction, an Upper Chamber where it exists may be abolished, or created where it does not exist. The powers of Provincial Upper Chambers will not be coextensive with those of the Lower Chamber.

The Provincial Franchise.

50. Details of the franchise proposed in the case of the various Provincial Legislatures are given in Appendix V. Here, as in the case of the franchise for the Federal Legislature, it should be emphasised that pending the preparation of an electoral roll the qualifications proposed are inevitably to some extent stated in general terms and that modifications of detail may be found necessary on various points once the preparation of the roll is undertaken. The franchise in question is essentially based on property, supplemented by an educational qualification common to men and women alike; by a qualification for women in respect of property held by a husband; by provision directed to secure an electorate of approximately 10 per cent. of the population of the Scheduled Castes† (hitherto known as Depressed Classes) in each province, except in Bihar and Orissa where the general percentage of enfranchisement is in the neighbourhood of 9 per cent. only, and in the North-West Frontier Province and Sind, where the numbers of the Scheduled Castes are negligible; and by provision of a special electorate for the seats proposed to be reserved for the representation of Commerce, Labour and other special interests. Registration of claimants in respect of an educational qualification or of a woman qualified in respect of her husband's property will, at any rate for the first two elections, be on application by the potential voter only‡. The ratio of women to men electors will be approximately 1 to 7 as compared with approximately 1 to 21 at the present time.

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*Bengal, the United Provinces and Bihar.

†The Castes in each Province scheduled as requiring special electoral protection are enumerated in Appendix VIII.

‡See Introductory Note to Appendices IV and V, paragraph 3.

51. A precise statement of the numerical effect of the electoral qualifications proposed cannot be given pending the preparation of a provisional electoral roll. So far as can be judged, however, these proposals, if accepted, would, in the typical case of Bengal, enfranchise some 7½ millions, or some 15 per cent. of a total population of 50 millions. In the case of Bombay the percentage to be enfranchised would probably be rather higher than in Bengal; in Madras and the United Provinces it would be approximately the same; in all other provinces it would be substantially lower, the lowest figure being reached in the case of Bihar and Orissa, with an electorate of some 3½ millions or about 9 per cent. of the total population. The general effect of acceptance of the proposals in question over all the Governors' Provinces would be an electorate in the neighbourhood of 14 per cent. of the total population, or some 27 per cent. of the adult population.

A separate franchise will be devised for the two new provinces of Sind and Orissa. In the case of Sind the franchise in question will probably be substantially identical in general character (subject to allowance for certain differences in local conditions) with that proposed for Bombay. The new province of Orissa will be formed by accretions from the Central Provinces and Madras, as well as from the present province of Bihar and Orissa, and while the franchise will probably generally resemble that proposed for Bihar and Orissa, modifications of greater or lesser importance may in consequence be necessary in this case.

Relations between the Federation and the Units.

Powers of Federal and Provincial Legislatures.

52. The conception of Federation and of that consequential change in provincial status commonly denoted by the expression "Provincial autonomy" will necessitate a complete departure from the existing system of concurrent jurisdictions, that is to say, there will be a statutory demarcation between the legislative competence of the Federal and Provincial Legislatures respectively, and the assignment to each of an exclusive field of competence which the other will not be permitted, save to the extent indicated below, to invade.

53. Following the practice of other federal constitutions, the respective legislative fields of the Centre and of the Provinces will be defined in terms of subjects which will be scheduled to the Constitution Act. But while it will be possible to assign to the Federation and to the Provinces respectively a number of matters over which they can appropriately be charged with exclusive legislative jurisdiction, examination has shown that this method cannot without inconvenience be so employed as to exhaust the entire field of potential governmental activity and that there are some matters in respect of which, while some measure of uniformity of law may be necessary, variation of detail to meet the local conditions of the Provinces is no less necessary. It will consequently be necessary to schedule certain subjects whereon both Federal and Provincial Legislatures will enjoy concurrent powers, the exact nature and effects of which will be seen from paragraphs 111, 112 and 114 of the Proposals.

Illustrative lists of the exclusively Federal, exclusively Provincial, and "concurrent" subjects, which do not purport to be complete or final, are appended. (Appendix VI.)

54. Certain matters will be placed outside the competence altogether of both Federal and Provincial Legislatures, namely, legislation affecting the Sovereign or the Royal Family, the sovereignty or dominion of the Crown over any part of British India, the law of British nationality, the Army Act, the Air Force Act and the Naval Discipline Act and the Constitution Act itself. As regards the Army, Air Force and Naval Discipline Acts, the Indian Legislatures will be debarred from legislating in such a way as to interfere with the operation of these Acts in so far as they operate in India, while at the same time it is intended to preserve the existing powers* of the Central Legislature in India to extend the provisions of these Acts with or without modification to members of forces raised in India. Apart from a complete exclusion of jurisdiction in regard to these matters it is proposed to place upon the competence of the new Legislatures a limitation taking the form familiarised by the provisions of the existing Act, whereby the Governor-General's—in some cases the Governor's—previous sanction to the introduction of certain specified classes of measures will be required. The proposed classification for this purpose will be found set out in paragraphs 119 and 120 of the Proposals. It will, of course, be made clear (paragraph 121) that the grant by the Governor-General or by a Governor of his prior consent to the introduction of a measure under this Proposal is not to be taken as fettering his judgment, when the time comes, if the measure is passed, for his decision as to the grant or withholding of his assent or the reservation of the measure for the signification of His Majesty's pleasure.

One further specific limitation on the powers of the Legislature which has already been mentioned in paragraph 23 should be referred to again in the present context, namely, the provisions proposed which will render *ultra vires* certain forms of discriminatory legislation.

55. The administrative relations between the Federal Government and the Units are dealt with in paragraphs 125—129 of the Proposals. Provision is made in paragraph 125 of the Proposals for securing not only that due effect is given within the Provinces to Acts of the Federal Legislature which apply to them, but also that the Provincial Governments shall give effect to directions issued by the Federal Government in relation to any matter which affects the administration of a Federal subject in the executive sphere of the Province. The latter provision will cover all classes of Federal subjects including those administered by the Reserved Departments. In the latter class of subjects directions will of course be issued by the Governor-General.

Allocation of revenues between the Federation and the Units.

56. It is intended that the division of resources between the Federation and the Units should be in accordance with the following scheme. The metho of treatment of taxes on income, which is of special

*As provided in section 177 of the Army Act, section 177 of the Air Force Act, and as regards the Naval Discipline Act, in section 66 of the Government of India Act.

importance, is described separately below. The lists that follow are not intended to be exhaustive, but to indicate only the more important heads. (For fuller lists see Legislative Schedules in Appendix VI).

Sources of Revenue.	Powers of legislation.	Allocation of revenue.
Import Duties (except on salt); Contributions from Railways and receipts from other Federal commercial undertakings; Coinage profits and share in profits of Reserve Bank.	Exclusively federal.	Exclusively federal.
Export Duties;* Salt Duties; Tobacco Excise; Other Excise Duties except those on alcoholic liquors, drugs and narcotics.	Exclusively federal.	Federal, with power to assign a share (or the whole) to Units.
Terminal taxes on goods and passengers; Certain stamp duties.	Exclusively federal.	Provincial, with power to the Federation to impose a federal surcharge.
Land Revenue . . . . . Excise duties on Alcohol, Drugs and Narcotics . . . . . Stamps (with certain exceptions) . Forests and other Provincial commercial undertakings . . Miscellaneous sources of revenue at present enjoyed by the Provinces.	Exclusively provincial.	Exclusively provincial.

Sources of taxation not specified in any schedule will be provincial, but the Governor-General will be empowered, after consultation with Federal and Provincial Ministers or their representatives, to declare in his discretion that any unspecified source of taxation should be federal.

57. Taxes on income will be dealt with as follows :

Corporation tax† will be entirely federal. Federating States will contribute under this head after 10 years. All legislation regarding other taxes on income except agricultural income will be federal, (subject to the right mentioned below of Provincial Legislatures to impose Provincial surcharges). Receipts from such taxation on officers in Federal service, and tax attributable to Chief Commissioners' Provinces or other Federal areas will accrue to Federal revenues. The remaining net proceeds other than receipts from the Federal surcharges mentioned below, will be divided between the Federation and the Governors' Provinces, x per cent. being assigned to the former, and the remainder to the latter. Before a final recommendation can be made as to the basis of distribution of the Provincial share between the Provinces (and the basis on which tax will be attributable Chief Commissioners' Provinces) it will be necessary to complete further technical investigation which is now proceeding. It is intended that percentage x should be not less than 25 per cent. and not more than 50 per cent.

* In the case of export duty on jute, at least half the net proceeds must be assigned to the producing units.

†There is at present in force in British India a super-tax on profits of companies which is usually referred to as Corporation tax.

Federal legislation regulating taxes on income which affects Provincial revenues as well as Federal revenues is to be introduced by leave of the Governor-General given in his discretion after consulting the Federal Ministry and Provincial Ministries.

The Federal Legislature will also be empowered to impose surcharges on taxes on income, the proceeds of which will be retained by the Federation. Federating States will contribute to the federal revenues a proportionate amount.

If, however, at the time when the Constitution comes into force any portion of the special surcharges on taxes on income imposed in September 1931 are still in operation, these will be deemed to be Federal surcharges but without liability on federating States to make any equivalent contribution.

The Provincial Legislatures will be empowered to impose, by their own legislation, surcharges on taxes on personal income of residents in the Province, the net proceeds going to the Province. Collection would be carried out by Federal agency. It is intended that an upper limit for such surcharges should be imposed, fixed at 12½ per cent. of the rates of taxes on income in force at any time, exclusive of federal surcharges.

58. It is anticipated that in the early years of the Federation, before there has been time to develop new sources of taxation (in particular Federal excises), the above system of distribution is likely to leave the Federation with inadequate resources. It is accordingly intended to adopt a transitory provision by which the Federation can retain for itself a block amount out of the proceeds of income-tax distributable to the Provinces. This amount would be unchanged for three years, and would diminish annually over the next seven years, so as to be extinguished at the end of ten years. This amount would be fixed after the investigation mentioned below.

Power will be given to the Governor-General in his discretion, but after consultation with the Governments concerned, to suspend the programme of reduction if in his opinion its continuance for the time being would endanger the financial stability and credit of the Federation.

59. It is also anticipated that certain Provinces will be in deficit under the proposed scheme. The North-West Frontier Province will (as now) require a contribution from the Centre in view of its special position. The new provinces of Sind and Orissa will not be able to start as entirely self-supporting units. Some of the existing Provinces, notably Assam, are likely to need assistance at least for a time. It is intended that these Provinces should receive subventions from Federal revenues. These subventions may be either permanent or terminable after a period of years.

60. It will be necessary at as late a stage as possible before the new Constitution actually comes into operation to review in the light of the then financial and economic conditions the probable financial position of both the Federation and the Provinces. The Government of India and the Provincial Governments will of course be closely associated with any enquiry for this purpose. It is only in the light of such review that it will be possible to settle such matters as the amounts and periods of the Provincial subventions, the percentage of taxes on income to be permanently

allocated to the Centre, and the amount to be retained by the Federation temporarily out of the normal Provincial share of taxes on income. It is accordingly proposed that the determination of such matters should be by Orders in Council, the drafts of which would be laid before both Houses of Parliament for approval.

His Majesty's Government attach the highest importance to securing to the Federation adequate resources, without which the Federal Government cannot ensure the due fulfilment of liabilities, upon which must depend the credit of India as a whole.

A possibility which cannot be dismissed from consideration is that economic and financial conditions might on the eve of the inauguration of the new Constitution be such as to render it impracticable to supply the new Federation and the Provincial Governments at the outset of their careers with the necessary resources to ensure their solvency. If after the review contemplated above, the probability of such a situation should be disclosed it would obviously be necessary to reconsider the position and it might, *inter alia*, be necessary to revise the Federal Finance scheme contemplated in these Proposals.

Attention may be drawn in this connection to the observations already made at the end of paragraph 32.

61. The introduction of any scheme for Federal Finance is complicated by the existence of "contributions" paid by certain Indian States to the Crown and by "immunities" which many of the States enjoy in respect of certain heads of prospective Federal revenue as for example, sea customs, salt, posts and telegraphs. A full description of the very complex position will be found in the Report of the Indian States Enquiry Committee (Financial) Cmd. 4103/32. It is proposed that the Crown should transfer the "contributions", so long as these are received, to Federal Revenues. The intention is that these "contributions" should be abolished by a process of gradual reduction *pari passu* with the gradual reduction of the block amount retained by the Federation out of the share of Provincial Income Tax described in paragraph 58 above. Abolition cannot however be effected by a uniform process. The position of each State requires separate treatment depending on the existence of "immunities", since it is not intended to remit "contributions" save in so far as they are in excess of a still existing "immunity". Provision for the treatment of "contributions" on these lines will be made in the States' Instruments of Accession. It is further proposed, as more fully explained in the Indian States Enquiry Committee's Report, that as a counterpart to the remission of "contributions", credit should be given to certain States which ceded territory to the Crown under circumstances somewhat analogous to those in which other States agreed to pay "contributions", the basis for determining the amount of such credits being the net revenues of the territories at the time of cession. Provision for such credits will have to be made in the Constitution Act. It may be necessary to establish a Tribunal or other machinery for the purpose of determining the value of immunities (especially those subject to considerable fluctuations) where these have to be assessed from time to time for the purpose of setting them off against "contributions", or against any payments accruing from the Federation.

THE JUDICATURE.

The Federal Court.

62. In a Constitution created by the federation of a number of separate political units and providing for the distribution of powers between a Central Legislature and Executive on the one hand and the Legislatures and Executives of the federal units on the other, a Federal Court has always been recognised as an essential element. Such a Court is, in particular, needed to interpret authoritatively the Federal Constitution itself. The ultimate decision on questions concerning the respective spheres of the Federal, Provincial and State authorities is also most conveniently entrusted to a Tribunal independent of Federal, Provincial and State Governments, and such a Tribunal will, in any event, be required in order to prevent the mischief which might otherwise arise if the various High Courts and State Courts interpreted the Constitution in different senses, and thus made the law uncertain and ambiguous.

63. It is proposed that the Federal Court should have both an original and an appellate jurisdiction. Its original jurisdiction will be to determine justiciable disputes between the Federation and any Federal unit or between any two or more Federal units, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. Its appellate jurisdiction will extend to the determination of appeals from any High Court or State Court on questions, between whomsoever they may arise, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. In order to guard against frivolous and vexatious appeals, it is proposed that, unless the value of the subject matter in dispute exceeds a specified sum, an appeal will only lie with the leave of the Federal Court or of the High Court or State Court concerned. It is proposed that an appeal shall lie without leave to the Judicial Committee of the Privy Council from a decision of the Federal Court in any matter involving the interpretation of the Constitution, and in any other case only by leave of the Federal Court, unless His Majesty in Council grants special leave to appeal. As a corollary no appeal will be allowed against any decision of a High Court direct to the King in Council in any case where under the Constitution an appeal lies to the Federal Court.

64. On the analogy of the jurisdiction conferred on the Judicial Committee of the Privy Council, by Section 4 of the Judicial Committee Act, 1833, the Governor-General will be empowered in his discretion to refer to the Federal Court any justiciable matter on which it is, in his opinion, expedient to obtain the opinion of the Court.

65. The Federal Court will consist of a Chief Justice and a specified number of Judges, who will be appointed by the Crown and will hold office during good behaviour. But power will be taken to increase this number if both Houses of the Legislature present an address to the Governor-General praying that His Majesty may be pleased to do so.

The Supreme Court.

66. But though a Federal Court, with power and jurisdiction such as those indicated, is a necessary and integral part of the Constitution envisaged by these proposals, Indian opinion is far from unanimous as to the necessity—or at all events as to the immediate necessity—for a Supreme Court of Appeal. The jurisdiction of such a Court, were it established, would necessarily be limited to British India, and its functions would be, within the limits assigned to it, to act as a final Court of Appeal in India from the decisions of the Provincial High Courts on matters other than those—mainly constitutional—which will fall within the jurisdiction of the Federal Court. With such a Court in existence, there would be good reason for limiting the right of appeal from Indian High Courts to the Judicial Committee of the Privy Council and thereby mitigating some of the grounds for dissatisfaction which arise from the delays, expense and inconveniences necessarily involved in the prosecution of appeals before so distant a tribunal. On the other hand, there is strong support for the view that a Supreme Court for India would be an unnecessary and unjustifiable expense, and that it would be difficult to find, in addition to the Judges required for the Federal Court and the Provincial High Courts, a body of judicial talent of the calibre essential if it is to justify its existence: there is moreover, difference of opinion as to whether such a Court, if established, should be separate from the Federal Court or should be constituted as a Division of that Court. In these circumstances His Majesty's Government are of opinion that the right course is to empower the Federal Legislature to set up such a Court if and when there is sufficient unanimity of view on these and other questions to enable legislation for this purpose to be promoted, but that the powers and jurisdiction of the Court should none the less be laid down by the Constitution Act on the lines indicated in paragraphs 163—167 of the Proposals.

THE SECRETARY OF STATE'S ADVISERS.

67. His Majesty's Government do not regard a Council of the kind which has been associated with the Secretary of State for India since the Crown took over the affairs of the East India Company in 1858 as any longer necessary in, or appropriate to, the conditions of the new Constitution. They are satisfied, however, that the responsibilities of the Secretary of State will remain such as to make it imperative that he should have at his disposal a small body of carefully selected advisers to supplement the assistance which in common with other Ministers he will derive from the permanent staff of his Department.

68. "The Secretary of State in Council of India" as a statutory corporation which alone can be plaintiff or defendant in any litigation instituted by, or against, any Governmental authority in India, and in whose name alone can be executed any contract or assurance entered into by any Government in India, is a conception which is manifestly incompatible alike with Provincial self-government and with a responsible Federal Government: and the present power of veto possessed by the Council of India over all expenditure from the revenues of India is no less incompatible with the constitutional arrangements outlined in paragraphs 5 to 11 of this Introduction. The Proposals, therefore,

contemplate the vesting in the Crown on behalf of the Federal Executive and the Provincial Executives respectively of all property now held in the name of the Crown which is required for their respective purposes, and these authorities will be endowed with the right to enter into all contracts and assurances necessary for the performance of their functions, with the right to sue and the liability to be sued in respect of any claims arising in their several spheres of authority. It will at the same time be necessary to preserve the existing rights of suit against the Secretary of State in this country in respect of any claims arising out of obligations undertaken by the Secretary of State in Council before, and subsisting at the date of, the inauguration of the Federation, and to place upon the Federal Government an obligation to implement any judgment or award arising therefrom, whether by the provision of funds or otherwise.

69. As regards the Secretary of State's Council, it is proposed to enable him to appoint not less than three nor more than six advisers (at least two of whom must have served the Crown in India for not less than 10 years) to hold office for five years. The Secretary of State will be free to consult these advisers, either individually or collectively, as he may think fit. But he will be required not only to consult them, but to obtain the concurrence of a majority of them on the draft of any Rules regulating the Public Services in India, and in the disposal of any appeal to him permitted by the Constitution from any member of those Services (see paragraph 179 of Proposals).

THE PUBLIC SERVICES.

70. The main divisions of the Public Services in India are :—

(1) The All-India Services ;

(2) The Provincial Services ; and

(3) The Central Services, Classes I and II.

Officers of the All-India Services serve chiefly in the Provinces, but they are liable to serve anywhere in India, and a number of the higher posts under the Government of India are held by them. These All-India Services include the following :—

(i) The Indian Civil Service ;

(ii) The Indian Police ;

(iii) The Indian Forest Service ; and

(iv) The Indian Service of Engineers.

On the transfer of their fields of service to Ministerial control on the inauguration of the new Constitution, recruitment will cease for Nos. (iii) and (iv).

The Provincial Services cover the whole field of civil administration of the Provinces in the middle and lower grades. Members of these services are appointed by the Provincial Governments.

Some of the more important of the Central Services are :—

(1) The Railway Services ;

(2) The Indian Posts and Telegraph Traffic Service ;

(3) The Imperial Customs Service.

Persons appointed by the Secretary of State in Council are serving in all these Services.

71. All persons appointed by the Secretary of State in Council have certain important rights. They cannot, for example, be dismissed from the Service by any authority subordinate to the Secretary of State in Council ; their pay is protected from the vote of the Legislatures ; and they have an ultimate right of appeal to the Secretary of State in Council against all important disciplinary measures taken in India and also in respect of their principal conditions of service.

It is intended to safeguard these rights and to extend them to all persons appointed by the Secretary of State after the commencement of the Constitution Act with the exception of the right to retire under the regulations for premature retirement : this right it is proposed to give only to officers appointed to the Indian Civil Service and Indian Police up to the time when a decision is taken on the result of the enquiry indicated in paragraph 72.

Certain members of the Provincial and Central Services though they may not have been appointed by the Secretary of State in Council have also rights for the preservation of which he is responsible. These, too, will be secured.

72. Provision is made for continued recruitment by the Secretary of State to the Indian Civil Service, the Indian Police, and the Ecclesiastical Department.

Provision is also made for securing that all persons appointed by the Secretary of State in Council or the Secretary of State are employed in India on work of the kind for which their recruitment has been considered essential.

At the expiry of five years from the commencement of the Constitution Act a statutory enquiry will be held into the question of future recruitment for the Indian Civil Service and the Indian Police, and the Governments in India will be associated with the enquiry. The decision on the results of the enquiry will rest with His Majesty's Government and will be subject to the approval of both Houses of Parliament. Pending the decision on this enquiry the present ratio of British to Indian recruitment will remain unaltered.

The question of continued recruitment by the Secretary of State to the superior Medical and Railway services is under examination. His Majesty's Government hope to submit their recommendations on this matter later to the Joint Select Committee.

73. As regards Family Pension Funds to which serving officers now contribute, His Majesty's Government consider that it must be recognised that assets constitute in all cases a definite debt liability of the Government of India and are the property of the subscribers. In these circumstances they are examining a proposal for the adoption of a new

financial procedure in relation to these funds, with a view to building up gradually separate sterling funds. If such a scheme should prove to be practicable, it will, of course, be necessary to consult members of the Services regarding it before any decision is reached. The adoption of any such scheme would probably necessitate certain statutory provisions not covered by the present Proposals. His Majesty's Government hope to be in a position to submit their recommendations on this subject later to the Joint Select Committee.

The Statutory Railway Board.

74. There is one matter of importance which these Proposals do not cover, namely, the arrangements to be made for the administration of the Railways under the Federal Government. His Majesty's Government consider that it will be essential that, while the Federal Government and Legislature will necessarily exercise a general control over railway policy, the actual control of the administration of the State Railways in India (including those worked by Companies) should be placed by the Constitution Act in the hands of a Statutory Body so composed and with such powers as will ensure that it is in a position to perform its duties upon business principles and without being subject to political interference. With such a Statutory Body in existence it would be necessary to preserve such existing rights as the Indian Railway Companies possess under the terms of their contracts to have access to the Secretary of State in regard to disputed points and, if they desire, to proceed to arbitration. His Majesty's Government are in consultation with the Government of India on the questions of principle and detail which require settlement before a satisfactory scheme can be devised to carry out these purposes.

Fundamental Rights.

75. The question of including in the Constitution Act a series of declarations commonly described as a statement of "Fundamental Rights" which would be designed to secure either to the community in general or to specified sections of it, rights or immunities to which importance is attached, has been much discussed during the proceedings of the Round Table Conference. His Majesty's Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act.

His Majesty's Government think it probable that occasion may be found in connection with the inauguration of the new Constitution for a pronouncement by the Sovereign, and in that event, they think it may well be found expedient humbly to submit for His Majesty's consideration that such a pronouncement might advantageously give expression to some of the propositions suggested to them in this connection which prove unsuitable for statutory enactment.

CONCLUSION.

76. His Majesty's Government are fully aware that the actual drafting of the Constitution Bill and the consequent repeal of the existing Government of India Act, will raise a number of other questions—some of importance—which these Proposals do not cover. for instance, provision will be required for an Auditor-General, for the establishment of the Secretary of State, and for various other matters which the existing Act at present embraces and which may, or may not, require perpetuation in the Act which takes its place.

March 15, 1933.

THE PROPOSALS.

1. The general principle underlying all these proposals is that all powers appertaining or incidental to the government of India and all rights, authority and jurisdiction possessed in that country—whether flowing from His Majesty's sovereignty over the territories of British India, or derived from treaty, grant, usage, sufferance or otherwise in relation to other territories—are vested in the Crown and are exercisable by and in the name of the King Emperor.

[See paragraph 9 of Introduction.]

PART I.

THE FEDERATION.

General.

2. The Federation of India will be a union between the Governors' Provinces and those Indian States whose Rulers signify their desire to accede to the Federation by a formal Instrument of Accession. By this Instrument the Ruler will transfer to the Crown for the purposes of the Federation his powers and jurisdiction in respect of those matters which he is willing to recognise as federal matters; and the powers and jurisdiction so transferred will thereafter be exercised on behalf of the Federation and in accordance with the provisions of the Constitution Act by the Governor-General, the Federal Legislature, the Federal Court (with an appeal therefrom to His Majesty in Council) and such other Federal organs as the Constitution Act may create. But in the case of every State which accedes, the powers and jurisdiction of the Federation in relation to that State and the subjects of its Ruler will be strictly co-terminous with the powers and jurisdiction transferred to the Crown by the Ruler himself and defined in his Instrument of Accession.

3. Except to the extent to which the Ruler of a State has transferred powers and jurisdiction, whether by his Instrument of Accession or otherwise—and, in the case of a State which has not acceded to the Federation, in all respects—the relations of the State will be with the Crown represented by the Viceroy, and not with the Crown represented by the Governor-General as executive head of the Federal Government. Accordingly, all powers of the Crown in relation to the States which are at present exercised by the Governor-General in Council, other than those which fall within the Federal sphere, will after Federation be exercised by the Viceroy as the Crown's representative.

4. The Federation will be brought into existence by the issue of a Proclamation by His Majesty declaring that on a date to be appointed in the Proclamation the existing nine "Governors' Provinces", with Sind and Orissa (which will be constituted as new and separate Governors' Provinces), are to be united in a Federation of India with such Indian States as have acceded or may accede to the Federation; but the Proclamation will not be issued until—

(a) His Majesty has received intimation that the Rulers of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber, have signified their desire to accede to the Federation ; and

(b) Both Houses of Parliament have presented an Address to His Majesty praying that such a Proclamation may be issued.

5. The authority of the Federation will, without prejudice to the extra-territorial powers of the Federal Legislature (see paragraph 111), extend to the Governors' Provinces, to the acceding States, (subject to the limitations mentioned in paragraph 3), and to those areas in British India which are administered by Chief Commissioners—namely, the Provinces of Delhi, Ajmer-Merwara, Coorg, British Baluchistan and the Andaman and Nicobar Islands. These Provinces (with one exception) will be directly subject to the jurisdiction of the Federal Government and Legislature.

In the case of British Baluchistan special provision will be made whereby the Governor-General will himself direct and control the administration of this Province (see paragraphs 57—58). Expenditure required for British Baluchistan will not be subject to the vote of the Federal Legislature, but will be open to discussion in both Chambers.

The Settlement of Aden is at present a Chief Commissioner's Province. The future arrangements for the Settlement are, however, under consideration and accordingly no proposals in respect of it are included in this document.

The Federal Executive.

6. The executive authority of the Federation, including the supreme command of the Military, Naval and Air Forces in India will be exercisable on the King's behalf by a Governor-General holding office during His Majesty's pleasure, but His Majesty may appoint a Commander-in-Chief to exercise in relation to those Forces such powers and functions as may be assigned to him.

All executive acts will run in the name of the Governor-General.*

7. The executive authority of the Federation will extend in relation to a State-member of the Federation only to such powers and jurisdiction falling within the Federal sphere as the Ruler has transferred to the King.

8. The Governor-General will exercise the powers conferred upon him by the Constitution Act as executive head of the Federation and such powers of His Majesty (not being powers inconsistent with the provisions of the Constitution Act) as His Majesty may be pleased by Letters Patent constituting the office of Governor-General to assign to him. In exercising all these powers the Governor-General will act in accordance with an Instrument of Instructions to be issued to him by the King.

*It follows from this that broadly speaking where the words "Governor-General" are used without the added words "in his discretion" or "at his discretion", the Federal Government is meant, in the case of the Reserved Departments, however, the Governor-General being himself the responsible executive. A corresponding meaning attaches to the word "Governor" in the case of the provincial executive.

9. The draft of the Governor-General's Instrument of Instructions (including the drafts of any amendments thereto) will be laid before both Houses of Parliament, and opportunity will be provided for each House of Parliament to make to His Majesty representations for an amendment of, or addition to, or omission from, the Instructions.

10. The Governor-General's salary will be fixed by the Constitution Act, and all other payments in respect of his personal allowances, or of salaries and allowances of his personal and secretarial staff, will be fixed by Order in Council; none of these payments will be subject to the vote of the Legislature.

The Working of the Federal Executive.

11. The Governor-General will himself direct and control the administration of certain Departments of State—namely, Defence, External Affairs and Ecclesiastical Affairs.

12. In the administration of these Reserved Departments, the Governor-General will be assisted by not more than three Counsellors who will be appointed by the Governor-General, and whose salaries and conditions of service will be prescribed by Order in Council.

13. For the purpose of aiding and advising the Governor-General in the exercise of powers conferred upon him by the Constitution Act for the government of the Federation, other than powers connected with the matters mentioned in paragraph 11, and matters left by law to his discretion, there will be a Council of Ministers. The Ministers will be chosen and summoned by the Governor-General and sworn as Members of the Council and will hold office during his pleasure. The persons appointed Ministers must be, or become within a stated period, members of one or other Chamber of the Federal Legislature.

14. In his Instrument of Instructions the Governor-General will be enjoined *inter alia* to use his best endeavours to select his Ministers in the following manner, that is, in consultation with the person who, in his judgment, is likely to command the largest following in the Legislature, to appoint those persons (including so far as possible members of important minority communities and representatives of the States-members of the Federation) who will best be in a position collectively to command the confidence of the Legislature.

15. The number of Ministers and the amounts of their respective salaries will be regulated by Act of the Federal Legislature, but, until the Federal Legislature otherwise determines, their number and their salaries will be such as the Governor-General determines, subject to limits to be laid down in the Constitution Act.

The salary of a Minister will not be subject to variation during his term of office.

16. The Governor-General will whenever he thinks fit preside at meetings of his Council of Ministers. He will also be authorised, after consultation with his Ministers, to make in his discretion any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct,

and for the transmission to himself and to his Counsellors in the Reserved Departments, and to the Financial Adviser, of all such information as he may direct.

17. The Governor-General will be empowered, in his discretion, but after consultation with his Ministers, to appoint a Financial Adviser to assist him in the discharge of his "special responsibility" for financial matters—see next paragraph—and also to advise Ministers on matters regarding which they may seek his advice. The Financial Adviser will be responsible to the Governor-General and will hold office during his pleasure; his salary will be fixed by the Governor-General and will not be subject to the vote of the Legislature.

18. Apart from his exclusive responsibility for the Reserved Departments (paragraph 11) the Governor-General in administering the government of the Federation will be declared to have a "special responsibility" in respect of—

(*a*) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;

(*b*) the safeguarding of the financial stability and credit of the Federation;

(*c*) the safeguarding of the legitimate interests of minorities;

(*d*) the securing to the members of the Public Services of any rights provided for them by the Constitution Act and the safeguarding of their legitimate interests;

(*e*) the prevention of commercial discrimination;

(*f*) the protection of the rights of any Indian State;

(*g*) any matter which affects the administration of any Department under the direction and control of the Governor-General.

It will be for the Governor-General to determine in his discretion whether any of the "special responsibilities" here described are involved by any given circumstances.

19. If in any case in which, in the opinion of the Governor-General, a special responsibility is imposed upon him it appears to him, after considering such advice as has been given him by his Ministers, that the due discharge of his responsibility so requires, he will have full discretion to act as he thinks fit but in so acting he will be guided by any directions which may be contained in his Instrument of Instructions.

20. The Governor-General, in administering the Departments under his own direction and control, in taking action for the discharge of any special responsibility, and in exercising any discretion vested in him by the Constitution Act, will act in accordance with such directions, if any, not being directions inconsistent with anything in his Instructions, as may be given to him by a principal Secretary of State.

21. The Governor-General's Instrument of Instructions will accordingly contain *inter alia* provision on the following lines:—

"In matters arising in the Departments which you direct and control on your own responsibility, or in matters the determination of which is by law committed to your discretion,

it is Our will and pleasure that you should act in exercise of the powers by law conferred upon you in such manner as you may judge right and expedient for the good government of the Federation, subject, however, to such directions as you may from time to time receive from one of Our principal Secretaries of State.

In matters arising out of the exercise of powers conferred upon you for the purposes of the government of the Federation other than those specified in the preceding paragraph it is Our will and pleasure that you should, in the exercise of the powers by law conferred upon you, be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you ; in which case it is Our will and pleasure that you should, notwithstanding your Ministers' advice, act in exercise of the powers by law conferred upon you in such manner as you judge requisite for the fulfilment of your special responsibilities, subject, however, to such directions as you may from time to time receive from one of Our principal Secretaries of State ".*

The Federal Legislature.

General.

22. The Federal Legislature will consist of the King represented by the Governor-General, and two Chambers, to be styled the Council of State and the House of Assembly, and will be summoned to meet for the first time not later than a date to be specified in the Proclamation establishing the Federation.

Every Act of the Federal Legislature will be expressed as having been enacted by the Governor-General, by and with the consent of both Chambers.

23. Power to summon, and appoint places for the meeting of, the Chambers, to prorogue them, to dissolve them, either separately or simultaneously, will be vested in the Governor-General at his discretion, subject to the requirement that they shall meet at least once in every year and that not more than twelve months shall intervene between the end of one session and the commencement of the next.

The Governor-General will also be empowered to summon the Chambers for the purpose of addressing them.

24. Each Council of State will continue for seven years and each Assembly for five years, unless sooner dissolved.

25. A member of the Council of Ministers will have the right to speak, but not to vote, in the Chamber of which he is not a Member.

A Counsellor will be *ex officio* an additional member of both Chambers for all purposes except the right of voting.

*For other matters to be included in the Instrument of Instructions, see paragraph 14 of the Proposals and paragraph 23 of the Introduction.

The Composition of the Chambers.

26. The Council of State will consist, apart from the Governor-General's Counsellors, of not more than 260 members, of whom 150 will be elected from British India in the manner indicated in Appendix I,* not more than 100 will be appointed by the Rulers of States,† and not more than ten (who shall not be officials) will be nominated by the Governor-General in his discretion.

27. A member of the Council of State will be required to be at least 30 years of age (this age limit not, however, being applicable to the Ruler of a State) and a British subject or a Ruler or subject of an Indian State, and to possess certain prescribed property qualifications, or to have been at some previous date a member of the Indian Legislature or of the Federal Legislature, or to possess qualifications to be prescribed by the Government of the State or Province which he represents with a view to conferring qualification upon persons who have rendered distinguished public service.

28. Casual vacancies in the Council of State will be filled, in the case of a British Indian elected representative, by election (so long as communal representation is retained as a feature of the Constitution) by those members of the body by which he was elected who are members of the community to which the vacating member belongs, and in the case of an appointed or nominated member, by a fresh appointment or nomination.

29. The Assembly will consist, apart from the Governor-General's Counsellors, of not more than 375 members, of whom 250 will be elected to represent constituencies in British India in the manner indicated in Appendix II, and not more than 125† will be appointed by the Rulers of States.

30. A member of the Assembly will be required to be not less than 25 years of age and a British subject or a subject of an Indian State.

31. Casual vacancies in the Assembly will be filled, in the case of an elected member, by the same method as that prescribed in Appendix II for the election of the vacating member, and, in the case of an appointed member, by a fresh appointment by the person by whom the vacating member was appointed.

32. Only the Ruler of a State who has acceded to the Federation will be entitled to appoint, or take part in appointing, a member of either Chamber of the Federal Legislature, and any vacancies arising out of the operation of this restriction will for the time being remain unfilled.‡

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*See paragraph 18 of Introduction.

†See paragraph 19 of Introduction.

‡This paragraph has reference to the allotment to States by paragraphs 26 and 29 of "not more than 100" and "not more than 125" seats in the Council of State and the House of Assembly respectively. The figures just quoted represent the total number of seats which will be available to the States when they have all acceded to the Federation and the intention is that a seat allotted to an individual State will remain unfilled unless and until that State has entered the Federation. States under "minority administration" will necessarily be treated as non-acceding States for this and other purposes.

33. Every member of either Chamber will be required to make and subscribe an oath or affirmation in the following form before taking his seat :—

In the case of a representative of a State—

"I, *A.B.*, having been appointed a member of this $\frac{\text{Council,}}{\text{Assembly}}$, do solemnly swear (*or* affirm) that, saving the faith and allegiance I owe to *C.D.*, I will be faithful and bear true allegiance in my capacity as Member of this $\frac{\text{Council}}{\text{Assembly}}$ to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter".

In the case of a representative of British India—

"I, *A.B.*, having been $\frac{\text{elected}}{\text{nominated}}$ a member of this $\frac{\text{Council,}}{\text{Assembly}}$, do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter".

34. The following disqualifications will be prescribed for membership of either Chamber :—

(*a*) in the case of elected members or of members nominated by the Governor-General, the holding of any office of profit under the Crown other than that of Minister ;

(*b*) a declaration of unsoundness of mind by a competent Court ;

(*c*) being an undischarged bankrupt ;

(*d*) conviction of the offence of corrupt practices or other election offences ;

(*e*) in the case of a legal practitioner, suspension from practice by order of a competent Court ;

but provision will be made that the last two disqualifications may be removed by order of the Governor-General at his discretion ;

(*f*) having an undisclosed interest in any contract with the Federal Government : provided that the mere holding of shares in a company will not by itself involve this disqualification.

35. A person sitting or voting as a member of either Chamber when he is not qualified for, or is disqualified from, membership will be made liable to a penalty of   in respect of each day on which he so sits or votes, to be recovered in the High Court of the Province or State which the person in respect of whom the complaint is made represents by suit instituted with the consent of a Principal Law Officer of the Federation.

36. Subject to the Rules and Standing Orders affecting the Chamber there will be freedom of speech in both Chambers of the Federal Legislature. No person will be liable to any proceedings in any Court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings in either Chamber.

37. The following matters connected with elections and electoral procedure, in so far as provision is not made by the Act, will be regulated by Order in Council :—

(*a*) The qualifications of electors ;

(*b*) The delimitation of constituencies ;

(*c*) The method of election of representatives of communal and other interests ;

(*d*) The filling of casual vacancies ; and

(*e*) Other matters ancillary to the above ;

with provision that Orders in Council framed for these purposes shall be laid in draft for a stated period before each House of Parliament.

For matters other than the above connected with the conduct of elections the Federal Legislature will be empowered to make provision by Act. But until the Federal Legislature otherwise determines, existing laws or rules, including the law or rules providing for the prohibition and punishment of corrupt practices or election offences and for determining the decision of disputed elections, will remain in force, subject, however, to such modifications or adaptations to be made by Order in Council as may be required in order to adapt their provisions to the requirements of the new Constitution.

Legislative Procedure.

38. Bills (other than Money Bills, which will be initiated in the Assembly) will be introduced in either Chamber.

39. The Governor-General will be empowered at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions, to assent in His Majesty's name to a Bill which has been passed by both Chambers, or to withhold his assent, or to reserve the Bill for the signification of the King's pleasure. But before taking any of these courses, it will be open to the Governor-General to remit a Bill to the Chambers with a Message requesting its reconsideration in whole or in part, together with such amendments, if any, as he may recommend.

No Bill will become law until it has been agreed to by both Chambers either without amendment or with such amendments only as are agreed to by both Chambers, and has been assented to by the Governor-General, or, in the case of a reserved Bill, until His Majesty in Council has signified his assent.

40. Any Bill assented to by the Governor-General will within twelve months be subject to disallowance by His Majesty in Council.

41. In the case of disagreement between the Chambers, the Governor-General will be empowered, in any case in which a Bill passed by one Chamber has not, within three months thereafter, been passed by the other, either without amendments or with agreed amendments, to summon the two Chambers to meet in a joint sitting for the purpose of reaching a decision on the Bill. The members present at a Joint Session will deliberate and vote together upon the Bill in the form in which it

finally left the Chamber in which it was introduced and upon amendments, if any, made therein by one Chamber and not agreed to by the other. Any such amendments which are affirmed by a majority of the total number of members voting at the Joint Session will be deemed to have been carried, and if the Bill, with the amendments, if any, so carried, is affirmed by a majority of the members voting at the Joint Session, it shall be taken to have been duly passed by both Chambers.

In the case of a money bill or in cases where in the Governor-General's opinion the decision on a Bill cannot consistently with fulfilment of his responsibilities for a Reserved Department or of any of his "special responsibilities" be deferred, the Governor-General will be empowered in his discretion to summon a Joint Session forthwith.

42. In order to enable the Governor-General to fulfil the responsibilities imposed upon him personally for the administration of the Reserved Departments and his "special responsibilities", he will be empowered at his discretion—

(*a*) to present, or cause to be presented, a Bill to either Chamber, and to declare by Message to both Chambers that it is essential, having regard to his responsibilities for a Reserved Department or, as the case may be, to any of his "special responsibilities", that the Bill so presented should become law before a date specified in the Message; and

(*b*) to declare by Message in respect of any Bill already introduced in either Chamber that it should for similar reasons become law before a stated date in a form specified in the Message.

A Bill which is the subject of such a Message will then be considered or reconsidered by the Chambers, as the case may require, and if, before the date specified, it is not passed by the two Chambers, or is not passed by the two Chambers in the form specified, the Governor-General will be empowered at his discretion to enact it as a Governor-General's Act, either with or without any amendments made by either Chamber after receipt of his Message.

A Governor-General's Act so enacted will have the same force and effect as an Act of the Legislature, and will be subject to disallowance in the same manner, but the Governor-General's competence to legislate under this provision will not extend beyond the competence of the Federal Legislature as defined by the Constitution.

43. It will be made clear, by means of the enacting words of a Governor-General's Act, which will be distinguished from the enacting words of an ordinary Act (see paragraph 22) that Acts of the former description are enacted on the Governor-General's own responsibility.

44. Provision will also be made empowering the Governor-General in his discretion, in any case in which he considers that a Bill introduced, or proposed for introduction, or any clause thereof, or any amendment to a Bill moved or proposed, would affect the discharge of his "special responsibility" for the prevention of any grave menace to the peace or tranquillity of India, to direct that the Bill, clause or amendment shall not be further proceeded with.

Procedure with regard to Financial Proposals.

45. A recommendation of the Governor-General will be required for any proposal in either Chamber of the Federal Legislature for the imposition of taxation, for the appropriation of public revenues, or any proposal affecting the public debt, or affecting or imposing any charge upon, public revenues.*

46. The Governor-General will cause a statement of the estimated revenue and expenditure of the Federation, together with a statement of all proposals for the appropriation of those revenues, to be laid, in respect of every financial year, before both Chambers of the Legislature.

The statement of proposals for appropriation will be so arranged as—

(*a*) to distinguish between those proposals which will, and those which will not (*see paragraph* 49) be submitted to the vote of the Legislature and among the latter to distinguish those which are in the nature of standing charges (for example, items in the list in paragraph 49 marked with an asterisk); and

(*b*) to specify separately those additional proposals (if any), whether under the votable or non-votable Heads, which the Governor-General regards as necessary for the discharge of any of his "special responsibilities".

47. The proposals for the appropriation of revenues, other than proposals relating to the Heads of Expenditure enumerated in paragraph 49, and proposals (if any) made by the Governor-General in discharge of his special responsibilities, will be submitted in the form of Demands for Grants to the vote of the Assembly. The Assembly will be empowered to assent or refuse assent to any Demand or to reduce the amount specified therein, whether by way of a general reduction of the total amount of the Demand or of the reduction or omission of any specific item or items included in it.

48. The Demands as laid before the Assembly will thereafter be laid before the Council of State which will be empowered to require, if a motion to that effect is moved on behalf of Government and accepted, that any Demand which had been reduced or rejected by the Assembly shall be brought before a joint session of both Chambers for final determination.

49. Proposals for appropriation of Revenues, if they relate to the Heads of Expenditure enumerated in this paragraph, will not be submitted to the vote of either Chamber of Legislature, but will be open to discussion in both Chambers, except in the case of the salary and

* This paragraph represents the constitutional principle embodied in Standing Order 66 of the House of Commons, which finds a place in practically every Constitution Act throughout the British Empire :—

"This House will receive no petition for any sum relating to public service or proceed upon any motion for any grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by Parliament, unless recommended from the Crown".

allowances of the Governor-General and of expenditure required for the discharge of the functions of the Crown in, and arising out of, its relation with the Rulers of Indian States.

The Heads of Expenditure referred to above are :—

(*i*) Interest, Sinking Fund charges and other expenditure relating to the raising, service, and management of loans *; expenditure fixed by or under the Constitution Act *; expenditure required to satisfy a decree of any Court or an arbitral award ;

(*ii*) The salary and allowances of the Governor-General * ; of Ministers * ; of the Governor-General's Counsellors * ; of the Financial Adviser * ; of Chief Commissioners * ; of the Governor-General's personal and secretarial staff and of the staff of the Financial Adviser ;

(*iii*) Expenditure required for the Reserved Departments,† for the discharge of the functions of the Crown in and arising out of its relation with Rulers of Indian States ; or for the discharge of duties imposed by the Constitution Act on a principal Secretary of State.

(*iv*) The salaries and pensions (including pensions payable to their dependants) of Judges of the Federal or Supreme Court or of Judicial Commissioners under the Federal Government * ; and expenditure certified by the Governor-General after consultation with his Ministers as required for the expenses of those Courts ;

(*v*) Expenditure required for Excluded Areas and British Baluchistan ;

(*vi*) Salaries and pensions payable to, or to dependants of, certain members of Public Services, and certain other sums payable to such persons (see Appendix VII, Part III).

The Governor-General will be empowered to decide finally, and conclusively, for all purposes, any question whether a particular item of expenditure does or does not fall under any of the Heads of Expenditure referred to in this paragraph.

50.† At the conclusion of the budget proceedings the Governor-General will authenticate by his signature all appropriations, whether voted or those relating to matters enumerated in paragraph 49 ; the appropriations so authenticated will be laid before both Chambers of the Legislature but will not be open to discussion.

In the appropriations so authenticated the Governor-General will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities, so however that the total amount authenticated under any Head is not in excess of the amount originally laid before the Legislature under that Head in the Statement of proposals for appropriation.

The authentication of the Governor-General will be sufficient authority for the due application of the sums involved.

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* See as regards Defence expenditure paragraph 23 of Introduction.

† See paragraph 39 of Introduction.

51. The provisions of paragraphs 45 to 50 inclusive will apply with the necessary modifications to proposals for the appropriation of revenues to meet expenditure not included in the Annual Estimates which it may become necessary to incur during the course of the financial year.

Procedure in the Federal Legislature.

52. The procedure and conduct of business in each Chamber of the Legislature will be regulated by rules to be made, subject to the provisions of the Constitution Act, by each Chamber; but the Governor-General will be empowered at his discretion, after consultation with the President, or Speaker, as the case may be, to make rules—

(*a*) regulating the procedure of, and the conduct of business in; the Chamber in relation to matters arising out of, or affecting the administration of the Reserved Departments or any other special responsibilities with which he is charged; and

(*b*) prohibiting, save with the prior consent of the Governor-General, given at his discretion, the discussion of, or the asking of, questions on—

(i) matters connected with any Indian State other than matters accepted by the Ruler of the State in his Instrument of Accession as being Federal subjects; or

(ii) any action of the Governor-General taken in his discretion in his relationship with a Governor; or

(iii) any matter affecting relations between His Majesty or the Governor-General and any foreign Prince or State.

In the event of conflict between a rule so made by the Governor-General and any rule made by the Chamber, the former will prevail and the latter will, to the extent of the inconsistency, be void.

Emergency Powers of the Governor-General in relation to Legislation.

53. The Governor-General will be empowered at his discretion, if at any time he is satisfied that the requirements of the Reserved Departments, or any of the "special responsibilities" with which he is charged by the Constitution Act render it necessary, to make and promulgate such Ordinances as, in his opinion, the circumstances of the case require, containing such provisions as it would have been competent, under the provisions of the Constitution Act, for the Federal Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will continue in operation for such period, not exceeding six months, as may be specified therein; the Governor-General will, however, have power to renew any Ordinance for a second period not exceeding six months, but in that event it will be laid before both Houses of Parliament.

An Ordinance will have the same force and effect, whilst in operation, as an Act of the Federal Legislature; but every such Ordinance will be subject to the provisions of the Constitution Act relating to disallowance of Acts, and will be subject to withdrawal at any time by the Governor-General.

54. In addition to the powers to be conferred upon the Governor-General at his discretion in the preceding paragraph, the Governor-General will further be empowered, if his Ministers are satisfied, at a time when the Federal Legislature is not in session, that an emergency exists which renders such a course necessary to make and promulgate any such Ordinances for the good government of British India, or any part thereof, as the circumstances of the case require, containing such provisions as, under the Constitution Act, it would have been competent for the Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will have, while in operation, the same force and effect as an Act of the Federal Legislature, but every such Ordinance—

(*a*) will be required to be laid before the Federal Legislature and will cease to operate at the expiry of six weeks from the date of the reassembly of the legislature, unless both Chambers have in the meantime disapproved it by Resolution, in which case it will cease to operate forthwith; and

(*b*) will be subject to the provisions of the Constitution Act relating to disallowance as if it were an Act of the Federal Legislature; it will also be subject to withdrawal at any time by the Governor-General.

Provisions in the event of a breakdown of the Constitution.

55. The Governor-General will be empowered at his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the government of the Federation to be carried on in accordance with the provisions of the Constitution Act, by Proclamation to assume to himself all such powers vested by law in any Federal authority as appear to him to be necessary for the purpose of securing that the government of the Federation shall be carried on effectively.

A Proclamation so issued will have the same force and effect as an Act of Parliament; will be communicated forthwith to a Secretary of State and laid before Parliament; will cease to operate at the expiry of six months unless, before the expiry of that period, it has been approved by Resolutions of both Houses of Parliament; and may at any time be revoked by Resolutions by both Houses of Parliament.

CHIEF COMMISSIONERS' PROVINCES.

56. Each of the Provinces known as British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands will be administered, subject to the provisions of the Constitution Act, by a Chief Commissioner who will be appointed by the Governor-General in his discretion to hold office during his pleasure.

57. Special provision will be made for British Baluchistan, whereby the Governor-General will himself direct and control the administration of that province, acting through the agency of the Chief Commissioner.

58. Legislation required for British Baluchistan will be obtained in the following manner :—

No Act of the Federal Legislature will apply to the Province unless the Governor-General in his discretion so directs, and in giving such a direction the Governor-General will be empowered to direct that the Act, in its application to the Province, or any part thereof, is to have effect subject to such exceptions or modifications as he thinks fit.

The Governor-General will also be empowered at his discretion to make Regulations for the peace and good government of British Baluchistan and will be competent by any Regulations so made to repeal or amend any Act of the Federal Legislature which is for the time being applicable to the Province. Any such Regulation, on promulgation by the Governor-General in the official Gazette will have the same force and effect in relation to British Baluchistan as an Act of the Federal Legislature, and will, like such Acts, be subject to disallowance by His Majesty in Council.

The provisions of the preceding sub-paragraph will apply also to the Andaman and Nicobar Islands.

59. In the Chief Commissioners' Provinces the Chief Commissioner will have all such executive power and authority as may be necessary for the administration of the Province, and in the exercise of this power and authority he will (save in the case of British Baluchistan) be directly subordinate to the Federal Government.

60. The composition of the Coorg Legislative Council, as existing immediately before the establishment of the Federation, will continue unchanged, and special provisions will be made with regard to its legislative powers.

PART II.

THE GOVERNORS' PROVINCES.

The Provincial Executive.

61. A "Governor's Province" will be defined as meaning the Presidencies of Bengal, Madras and Bombay, and the Provinces known as the United Provinces, the Punjab, Bihar, the Central Provinces,* Assam, the North-West Frontier Province, Sind, and Orissa.†

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*As regards Berar, see paragraph 45 of the Introduction.

† The boundaries of the new Province of Orissa will be in accordance with the recommendations of the Orissa Committee of 1932 (following the Chairman's recommendation where this differs from that of the two Members) except that the Vizagapatam Agency and the Parlakimedi and Jalantra Maliahs in the Ganjam Agency will remain in Madras Presidency.

62. In a Governor's Province the executive authority will be exercisable on the King's behalf by a Governor holding office during His Majesty's pleasure.

All executive acts will run in the name of the Governor.

63. The Governor will exercise the powers conferred upon him by the Constitution Act as executive head of the Provincial Government, and such powers of His Majesty (not being powers inconsistent with the provisions of the Act) as His Majesty may be pleased by Letters Patent constituting the office of Governor to assign to him. In exercising all these powers the Governor will act in accordance with an Instrument of Instructions to be issued to him by the King.

64. The draft of the Governor's Instrument of Instructions (including the drafts of any amendments thereto) will be laid before both Houses of Parliament, and opportunity will be provided for each House of Parliament to make to His Majesty any representation which that House may desire for any amendment or addition to, or omission from, the Instructions.

65. The Governor's salary will be fixed by the Constitution Act, and all other payments in respect of his personal allowances, or the salaries and allowances of his personal and secretarial staff, will be fixed by Order in Council; none of these payments will be subject to the vote of the Legislature.

Working of the Provincial Executive.

66. For the purpose of aiding and advising the Governor in the exercise of powers conferred on him by the Constitution Act for the government of the Province, except as regards matters left by law to his discretion and the administration of Excluded Areas, there will be a Council of Ministers. The Ministers will be chosen and summoned by the Governor and sworn as Members of the Council, and will hold office during his pleasure. Persons appointed Ministers must be, or become within a stated period, members of the Provincial Legislature.

67. In his Instrument of Instructions the Governor will be enjoined *inter alia* to use his best endeavours to select his Ministers in the following manner, that is in consultation with the person who, in his judgment, is likely to command the largest following in the Legislature, to appoint those persons (including so far as possible members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature.

68. The number of Ministers and the amounts of their respective salaries will be regulated by Act of the Provincial Legislature, but until the Provincial Legislature otherwise determines, their number and salaries will be such as the Governor determines, subject to limits to be laid down in the Constitution Act.

The salary of a Minister will not be subject to variation during his term of office.

69. The Governor will whenever he thinks fit preside at meetings of his Council of Ministers. He will also be authorised, after consultation with his Ministers, to make at his discretion any rules which he regards

as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct and for the transmission to himself of all such information as he may direct.

70.* In the administration of the government of a Province the Governor will be declared to have a special responsibility in respect of—

(*a*) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(*b*) the safeguarding of the legitimate interests of minorities;

(*c*) the securing to the members of the Public Services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests;

(*d*) the prevention of commercial discrimination;

(*e*) the protection of the rights of any Indian State;

(*f*) the administration of areas declared, in accordance with provisions in that behalf, to be partially excluded areas;

(*g*) securing the execution of orders lawfully issued by the Governor-General;

and the Governors of the North-West Frontier Province and of Sind will in addition be respectively declared to have a special responsibility in respect of—

(*h*) any matter affecting the Governor's responsibilities as Agent to the Governor-General in the Tribal and other trans-border Areas; and

(*i*) the administration of the Sukkur Barrage.

It will be for the Governor to determine in his discretion whether any of the "special responsibilities" here described are involved by any given circumstances.

71. If in any case in which, in the opinion of the Governor, a special responsibility is imposed upon him, it appears to him, after considering such advice as has been given to him by his Ministers, that the due discharge of his responsibility so requires, he will have full discretion to act as he thinks fit but in so acting he will be guided by any directions which may be contained in his Instrument of Instructions.

72. The Governor, in taking action for the discharge of any special responsibility or in the exercise of any discretion vested in him by the Constitution Act, will act in accordance with such directions, if any, not being directions inconsistent with anything in his Instructions, as may be given to him by the Governor-General or by a principal Secretary of State.

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* See also the end of paragraph 47 of the Introduction.

73. The Governor's Instrument of Instructions will accordingly contain *inter alia* provision on the following lines :—

"In matters, the determination of which is by law committed to your discretion, and in matters relating to the administration of Excluded Areas, it is Our will and pleasure that you should act in exercise of the powers by law conferred upon you in such manner as you may judge right and expedient for the good government of the Province, subject, however, to such directions as you may from time to time receive from Our Governor-General or from one of Our principal Secretaries of State.

In matters arising out of the exercise of powers conferred upon you for the purposes of the government of the Province other than those specified in the preceding paragraph it is Our will and pleasure that you should in the exercise of the powers by law conferred upon you be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you ; in which case it is Our will and pleasure that you should, notwithstanding your Ministers' advice, act in exercise of the powers by law conferred upon you in such manner as you judge requisite for the fulfilment of your special responsibilities, subject, however, to such directions as you may from time to time receive from Our Governor-General or from one of Our principal Secretaries of State".

The Provincial Legislature.

General.

74. For every Governor's Province there will be a Provincial Legislature, consisting, except in the Provinces of Bengal, the United Provinces and Bihar, of the King, represented by the Governor, and of one Chamber, to be known as the Legislative Assembly.

In the Provinces just named the Legislature will consist of His Majesty, represented by the Governor, and of two Chambers, to be known respectively as the Legislative Council and the Legislative Assembly.

But provision will be made enabling the Provincial Legislature at any time not less than ten years after the commencement of the Constitution Act—

(a) where the Legislature consists of two Chambers, to provide by Act, which both Chambers separately have passed, and have confirmed by a subsequent Act passed not less than two years later, that it shall consist of one Chamber instead of two Chambers ; and

(*b*) where the Legislature consists of one Chamber, to present an Address to His Majesty praying that the Legislature may be reconstituted with two Chambers, and that the composition of, and method of election to, the Upper Chamber may be determined by Order in Council.

The Provincial Legislatures will be summoned to meet for the first time on dates to be specified by Proclamation.

Every Act of a Provincial Legislature will be expressed as having been enacted by the Governor, by and with the consent of the Legislative Assembly, or, where there are two Chambers, of both Chambers of the Legislature.

75. Power to summon and appoint places for the meeting of the Provincial Legislature, to prorogue it and to dissolve it, will be vested in the Governor at his discretion, subject to the requirement that it shall meet at least once in every year, and that not more than twelve months shall intervene between the end of one session and the commencement of the next. Where the Legislature consists of two Chambers power to dissolve the Chambers will be exercisable in relation to either Chamber separately or to both simultaneously.

The Governor will also be empowered to summon the Legislature for the purpose of addressing it.

76. Each Legislative Assembly will continue for five years, and each Legislative Council, where such a Council exists, for seven years, unless sooner dissolved.

77. In the case of a Province having a Legislative Council a Member of the Council of Ministers will have the right to speak, but not to vote, in the Chamber of which he is not a member.

The Composition of the Provincial Legislature.

78. The Legislative Assembly of each Governor's Province will consist of the number of members indicated against that Province in Appendix III, Part I, who will be elected in the manner indicated in the same Appendix.

79. A member of a Provincial Legislative Assembly shall be at least 25 years of age and a British subject or a subject of an Indian State.

80. The Legislative Councils of Governors' Provinces will consist of the number of members indicated in Appendix III, Part II, who will be elected, or nominated by the Governor, as the case may be, in the manner indicated in the same Appendix.

81. A member of a Provincial Legislative Council will be required to be at least 30 years of age and a British subject or a subject of an Indian State.

82. Appropriate provision will be made for the filling of vacancies in a Provincial Legislature on the lines proposed for the Federal Legislature (*see paragraphs* 28 *and* 31.)

83. Every member of a Provincial Legislature will be required to make and subscribe an oath or affirmation in the following form before taking his seat:—

"I, *A.B.*, having been $\frac{\text{elected}}{\text{nominated}}$ a member of this $\frac{\text{Council,}}{\text{Assembly}}$, do solemly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter".

84. The following disqualifications will be prescribed for membership of a Provincial Legislature:—

(*a*) the holding of any office of profit under the Crown other than that of Minister;

(*b*) a declaration of unsoundness of mind by a competent Court;

(*c*) being an undischarged bankrupt;

(*d*) conviction of the offence of corrupt practices or other election offences;

(*e*) in the case of a legal practitioner, suspension from practice by order of a competent Court;

but provision will be made that this and the last preceding disqualification may be removed by order of the Governor in his discretion;

(*f*) having an undisclosed interest in any contract with the Provincial Government; provided that the mere holding of shares in a company will not by itself involve this disqualification.

85. A person sitting or voting as a member of the Provincial Legislature, when he is not qualified for, or is disqualified from, membership, will be made liable to a penalty of   in respect of each day on which he so sits or votes, to be recovered in the High Court of the Province by suit initiated with the consent of a principal Law Officer of the Provincial Government.

86. Subject to the rules and Standing Orders of the Legislature there will be freedom of speech in the Provincial Legislature. No person will be liable to any proceedings in any Court by reason of his speech or vote, or by reason of anything contained in any official Report of the proceedings.

87. In so far as provision is not made by the Act itself for the following matters connected with elections and electoral procedure, they will be prescribed by Order in Council under the Act:—

(*a*) the qualifications of electors;

(*b*) the delimitation of constituencies;

(*c*) the method of election of representatives of communal and other interests;

(*d*) the filling of casual vacancies; and

(*e*) other matters ancillary to the above:

with provision that Orders in Council framed for these purposes shall be laid in draft for a stated period before each House of Parliament.

For matters connected with the conduct of elections for the provincial legislature other than the above each Provincial Legislature will be empowered to make provision by Act. But until the Provincial Legislature otherwise determines, existing laws or rules, including the law or rules providing for the prohibition and punishment of corrupt practices or election offences and for determining the decision of disputed elections, will remain in force ; subject however, to such modifications or adaptations to be made by Order in Council as may be required in order to adapt their provisions to the requirements of the new Constitution.

Legislative Procedure.

NOTE.—The following paragraphs relating to legislative procedure are, with the exception of paragraph 91, framed, for the sake of brevity, to apply to unicameral Provincial Legislatures. Suitable modification of these provisions, for the purpose of adapting them to Legislatures which are bicameral would, of course, be made. In particular, provision would be made that in a bicameral Legislature Bills (other than Money Bills, which will be initiated in the Legislative Assembly) will be introduced in either Chamber.

88. The Governor will be empowered at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions, to assent in His Majesty's name to a Bill which has been passed by the Provincial Legislature, or to withhold his assent, or to reserve the Bill for the consideration of the Governor-General. But before taking any of these courses, it will be open to the Governor to remit a Bill to the Legislature, with a Message requesting its reconsideration in whole or in part, together with such amendments, if any, as he may recommend.

No Bill will become law unless it has been passed by the Legislative Assembly with or without amendment, and has been assented to by the Governor, or in cases where the Constitution Act so provides, by the Governor-General ; in the case of a Bill reserved for the consideration of the Governor-General, the Bill will not become law until the Governor-General (or, if the Governor-General reserves the Bill, His Majesty in Council) has signified his assent.

89. When a Bill is reserved by a Governor for the consideration of the Governor-General, the Governor-General will be empowered at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions to assent in His Majesty's name to the Bill, or to withhold his assent, or to reserve the Bill for the signification of the King's pleasure. He will also be empowered, if he thinks fit before taking any of these courses, to return the Bill to the Governor with directions that it shall be remitted to the Legislature with a Message to the effect indicated in the preceding paragraph. The Legislature will then reconsider the Bill and if it is again passed with or without amendment it will be presented again to the Governor-General for his consideration.

If at the end of six months from the date on which a Bill is presented to the Governor-General, the Governor-General neither assents to it nor reserves it for the signification of the King's pleasure, nor returns it to the Governor, the Bill will lapse.

90. Any Act assented to by the Governor or by the Governor-General will within twelve months be subject to disallowance by His Majesty in Council.

91. In the case of a province having a Legislative Council the Governor will be empowered in any case in which a Bill passed by one Chamber has not, within three months thereafter, been passed by the other, either without amendments or with agreed amendments, to summon the two Chambers to meet in a Joint Session for the purpose of reaching a decision on the Bill. The members present at a Joint Session will deliberate and vote together upon the Bill in the form in which it finally left the Chamber in which it was introduced and upon amendments, if any, made therein by one Chamber and not agreed to by the other. Any such amendments which are affirmed by a majority of the total number of the members voting at the Joint Session will be deemed to have been carried, and if the Bill, with the amendments, if any, so carried, is affirmed by a majority of the members voting at the Joint Session, it shall be taken to have been duly passed by both Chambers.

In the case of a Money Bill, or in cases where, in the Governor's opinion, a decision on the Bill cannot, consistently with the fulfilment of any of his "special responsibilities", be deferred, the Governor will be empowered at his discretion to summon a Joint Session forthwith.

92. In order to enable the Governor to discharge the "special responsibilities" imposed upon him, he will be empowered at his discretion—

(*a*) to present, or cause to be presented, a Bill to the Legislature, with a Message that it is essential, having regard to any of his "special responsibilities" that any Bill so presented should become law before a date specified in the Message; and

(*b*) to declare by Message in respect of any Bill already introduced in the Legislature that it should, for similar reasons, become law before a stated date in a form specified in the Message.

If, before the date specified, a Bill which is the subject of such a Message is not passed, or is not passed in the form specified, as the case may be, the Governor will be empowered at his discretion to enact it as a Governor's Act, either with or without any amendments made by the Legislature after receipt of his Message.

A Governor's Act so enacted will have the same force and effect as an Act of the Provincial Legislature and will be subject to the same requirements in respect of the Governor-General's assent and to disallowance in the same manner as an Act of the Provincial Legislature, but the Governor's competence to legislate under this provision will not extend beyond the competence of the Provincial Legislature as defined by the Constitution.

93. It will be made clear, by the enacting words of a Governor's Act which will be distinguished from the enacting words of an ordinary Act (see paragraph 74), that Acts of the former description are enacted on the Governor's own responsibility.

94. Provision will also be made empowering the Governor, in any case in which he considers that a Bill introduced or proposed for introduction, or any clause thereof, or any amendment to a Bill moved or proposed, would affect the discharge of his "special responsibility" for the prevention of any grave menace to the peace or tranquillity of the Province, to direct that the Bill, clause or amendment shall not be further proceeded with.

Procedure with regard to Financial Proposals.

95. A recommendation of the Governor will be required for any proposal in the Provincial Legislature for the imposition of taxation, for the appropriation of public revenues, or any proposal affecting the public debt of the Province or affecting or imposing any charge upon public revenues.*

96. The Governor will cause a statement of the estimated revenues and expenditure of the Province, together with a statement of proposals for the appropriation of those revenues, to be laid in respect of every financial year before the Provincial Legislature, and, where the Legislature consists of two Chambers, before both Chambers.

The statement of proposals for appropriation will be so arranged as —

(*a*) to distinguish between those proposals which will, and those which will not (*see paragraph* 98), be submitted to the vote of the Legislature and amongst the latter to distinguish those which are in the nature of standing charges (for example, the items in the list in paragraph 98 marked with an asterisk); and

(*b*) to specify separately those additional proposals (if any), whether under the votable or non-votable Heads, which the Governor regards as necessary for the fulfilment of any of his "special responsibilities".

97. The proposals for the appropriation of revenues, other than proposals relating to the Heads of Expenditure enumerated in paragraph 98 and proposals (if any) made by the Governor in discharge of his special responsibilities, will be submitted, in the form of Demands for Grants, to the vote of the Legislative Assembly. The Assembly will be empowered to assent, or refuse assent, to any Demand or to reduce the amount specified therein, whether by way of a general reduction of the total amount of the Demand or of the reduction or omission of any specific item or items included in it.

98. Proposals for appropriations of revenues, if they relate to Heads of Expenditure enumerated in this paragraph will not be submitted to the vote of the Legislative Assembly but except in the case of the Governor's salary and allowances will be open to discussion in the Assembly.

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*Compare paragraph 45 and the footnote thereto.

The Heads of Expenditure referred to above are—

(*i*) Interest, Sinking Fund charges and other expenditure relating to the raising, service and management of loans* ; expenditure fixed by or under the Constitution Act* ; expenditure required to satisfy a decree of any court, or an arbitral award

(*ii*) The salary and allowances of Governors* ; of Ministers* ; and of the Governor's personal or Secretarial staff ;

(*iii*) The salaries and pensions (including pensions payable to their dependants) of Judges of the High Court or the Chief Court or Judicial Commissioners* ; and expenditure certified by the Governor after consulting with his Ministers as required for the expenses of those Courts ;

(*iv*) Expenditure debitable to Provincial Revenues, required for the discharge of duties imposed by the Constitution Act on a principal Secretary of State ;

(*v*) The salaries and pensions payable to, or to dependants of, certain members of the Public Services and certain other sums payable to such persons (see Appendix VII, Part III).

The Governor will be empowered to decide finally and conclusively for all purposes any question whether a particular item of expenditure does, or does not, fall under any of the Heads of Expenditure referred to in this paragraph.

99. At the conclusion of the budget proceedings the Governor will authenticate by his signature all appropriations, whether voted or those relating to matters enumerated in paragraph 98 ; the appropriation so authenticated will be laid before the Legislature but will not be open to discussion.

In the appropriations so authenticated the Governor will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities, so, however, that the total amount authenticated under any head is not in excess of the amount originally laid before the Legislature under that head in the statement of proposals for appropriation.

The authentication of the Governor will be sufficient authority for the due application for the sums involved.*

100. The provisions of paragraphs 95 to 99 inclusive will apply with the necessary modifications to proposals for the appropriation of revenue to meet expenditure not included in the Annual Estimates which it may become necessary to incur during the course of the financial year.

101. Provision will be made that until the Provincial Legislature otherwise determines by a decision in support of which at least three-fourths of the members have voted, no proposal for the reduction in any Province (other than a reduction *pro-rata* with the general educational grant-in-aid) of an existing grant-in-aid on account of the education of the Anglo-Indian and domiciled European community will be deemed to have received the consent of the Legislature unless at least three-fourths of the members have voted in favour of the proposal.

*See paragraph 39 of Introduction.

Procedure in the Legislature.

102. The procedure and conduct of business in the Provincial Legislature will be regulated by rules to be made, subject to the provisions of the Constitution Act, by the Legislature. But the Governor will be empowered at his discretion, after consultation with the President or Speaker, as the case may be, to make rules regulating the procedure of and the conduct of business in, the Chamber or Chambers in relation to matters arising out of, or affecting, any "special responsibility" with which he is charged by the Constitution Act.

In the event of conflict between a rule so made by the Governor and any rule made by a Chamber of the Legislature, the former will prevail and the latter will, to the extent of the inconsistency, be void.

Emergency Powers of the Governor in relation to Legislation.

103. The Governor will be empowered at his discretion, if at any time he is satisfied that the requirements of any of the "special responsibilities" with which he is charged by the Constitution Act render it necessary, to make and promulgate such Ordinances as, in his opinion, the circumstances of the case require, containing such provisions as it would have been competent, under the provisions of the Constitution Act, for the Provincial Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will continue in operation for such period, not exceeding six months, as may be specified therein; the Governor will, however, have the power to renew any Ordinance for a second period not exceeding six months, but in that event it will be laid before both Houses of Parliament.

An Ordinance will have the same force and effect, whilst in operation as an Act of the Provincial Legislature; but every such Ordinance will be subject to the provisions of the Constitution Act relating to disallowance of Acts and will be subject to withdrawal at any time by the Governor.

104. In addition to the powers to be conferred upon the Governor at his discretion in the preceding paragraph, the Governor will further be empowered, if his Ministers are satisfied, at any time when the Legislature is not in session, that an emergency exists which renders such a course necessary, to make and promulgate any such Ordinances for the good government of the Province or any part thereof as the circumstances of the case require, containing such provisions as, under the Constitution Act, it would have been competent for the Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will have, while in operation, the same force and effect as an Act of the Provincial Legislature, but every such Ordinance—

(a) will be required to be laid before the Provincial Legislature and will cease to operate at the expiry of six weeks from the date of the reassembly of the Legislature unless in the meantime the Legislature (or both Chambers, where two Chambers exist) has disapproved it by Resolution, in which case it will cease to operate forthwith; and

(b) will be subject to the provisions of the Constitution Act relating to disallowance as if it were an Act of the Provincial Legislature ; it will also be subject to withdrawal at any time by the Governor.

Provisions in the event of a breakdown of the Constitution.

105. The Governor will be empowered at his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the government of the Province to be carried on in accordance with the provisions of the Constitution Act, by Proclamation to assume to himself all such powers vested by law in any Provincial authority as appear to him to be necessary for the purpose of securing that the government of the Province shall be carried on effectively.

A Proclamation so issued will have the same force and effect as an Act of Parliament ; will be communicated forthwith to the Governor-General and to a Secretary of State and laid before Parliament ; will cease to operate at the expiry of six months unless before the expiry of that period it has been approved by Resolutions of both Houses of Parliament ; and may at any time be revoked by Resolutions of both Houses of Parliament.

Excluded Areas.

106. His Majesty will be empowered to direct by Order in Council that any area within a Province is to be an "Excluded Area" or a "Partially Excluded Area", and by subsequent Orders in Council to revoke or vary any such Order.

107. In respect of Partially Excluded Areas the Governor will be declared to have a special responsibility (*see paragraph 70*).

The Governor will himself direct and control the administration of any area in a Province for the time being declared to be an Excluded Area.

108. Legislation required, whether for Excluded Areas or Partially Excluded Areas, will be obtained in the following manner :—

No Act of the Federal Legislature or of the Provincial Legislature will apply to such an area unless the Governor in his discretion so directs, and in giving such a direction the Governor will be empowered to direct that the Act, in its application to the area, or to any specified part thereof is to have effect subject to such exceptions or modifications as he thinks fit.

The Governor will also be empowered at his discretion to make Regulations for the peace and good government of any area which is for the time being an Excluded Area or a Partially Excluded Area and will be competent by any Regulation so made to repeal or amend any Act of the Federal Legislature or of the Provincial Legislature which is, for the time being, applicable to the area in question.

Regulations made under this provision will be submitted forthwith to the Governor-General and will not have effect until he has assented to them; but, when assented to by the Governor-General, will have the same force and effect as an Act of the Legislature made applicable to the area by direction of the Governor, and will be subject to disallowance in the same manner as a Provincial Act, but will not be subject to repeal or amendment by any Act of the Provincial or of the Federal Legislature.

109. Rules made by the Governor in connexion with legislative procedure will contain a provision prohibiting the discussion in the Provincial Legislature of, or the asking of questions on, any matter arising out of the administration of an Excluded Area, and enabling the Governor, at his discretion, to disallow any resolution or question regarding the administration of a Partially Excluded Area.

PART III.

RELATIONS BETWEEN THE FEDERATION AND THE FEDERAL UNITS.

POWERS OF THE FEDERAL LEGISLATURE AND OF PROVINCIAL LEGISLATURES.

110. It will be outside the competence of the Federal and of the Provincial Legislatures to make any law affecting the Sovereign or the Royal Family, the sovereignty or dominion of the Crown over any part of British India, the law of British nationality, the Army Act, the Air Force Act, the Naval Discipline Act and the Constitution Act, (except, in the case of the last mentioned Act, in so far as that Act itself provides otherwise).

111. The Federal Legislature will, to the exclusion of any Provincial Legislature, have power to make laws for the peace and good government of the Federation or any part thereof with respect to the matters set out in Appendix VI, List I.*

Laws so made will be operative throughout British India, but, in the States which have acceded to the Federation only in so far as the Ruler of the State has by his Instrument of Accession accepted the subject with which the law is concerned as a Federal subject. Federal laws will be applicable to British subjects and servants of the Crown within any part of India and to all Indian subjects of His Majesty outside India. The Federal Legislature will also be empowered to make laws regulating the discipline of His Majesty's Indian Forces, in so far as they are not subject to the Army Act, the Air Force Act, or the Naval Discipline Act, which will be applicable to those Forces wherever they are serving.

112. A Provincial Legislature will, to the exclusion of the Federal Legislature, have power to make laws for the peace and good government of the Province or any part thereof with respect to the matters set out in Appendix VI, List II.

*NOTE.—The lists contained in this Appendix are illustrative only, and do not purport to be either exhaustive or final in their allocations.

113. Nothing in paragraph 111 or 112 will operate to debar the Federal Legislature, in legislating for an exclusively federal subject, from devolving upon a Provincial Government or upon any officer of that Government, the exercise on behalf of the Federal Government of any functions in relation to that subject.*

114. The Federal Legislature and the Provincial Legislatures will have concurrent powers to make laws with respect to the matters set out in Appendix VI, List III, but laws made by Provincial Legislatures under these powers will be confined in their operation to the territories of the Province. The intention of providing for this concurrent field is to secure, in respect of the subjects entered in the List referred to in this paragraph, the greatest measure of uniformity which may be found practicable, but at the same time to enable Provincial Legislatures to make laws to meet local conditions.

The Federal Legislature will not in respect of the subjects contained in List III be able to legislate in such a way as to impose financial obligations on the Provinces.

In the event of a conflict between a Federal law and a Provincial law in the concurrent field, the Federal law will prevail, unless the Provincial law was reserved for, and has received, the assent of the Governor-General. The Federal Legislature will have no power to repeal or amend a Provincial law to which the Governor-General has thus assented, save with the prior sanction of the Governor-General.

115. It is intended that the three lists of subjects indicated in Appendix VI shall be as exhaustive as is reasonably possible. But it has been found on examination that it is not possible to enumerate every subject of a local and private character with regard to which the legislative power can appropriately rest with the Provinces only. It is accordingly proposed to include in the Provincial List a general power to legislate on any matter of a merely local and private nature in the Province not specifically included in that List and not falling within List I or List III; but in order to provide for the possibility that a subject which is in its inception of a merely local or private character may subsequently become of all-India interest, it is proposed to make that power subject to a right of the Governor-General in his discretion to sanction general legislation by the Federal Legislature on the same subject-matter.

Provision will also be made enabling either the Federal Legislature or any Provincial Legislature to make a law with respect to a residual subject, if any, not falling within the scope of any of the three lists, by means of an Act to the introduction of which the previous sanction of the Governor-General, given at his discretion, has been obtained, and to which (in the case of a Provincial Act) the assent of the Governor-General has been declared.

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* NOTE.—Any cost which falls in virtue of this provision on any Provincial Government, and which that Government would not otherwise have incurred, will be borne by the Federal Government. In the event of disagreement as to the amount or incidence of any charges so involved the question will be referred for decision (which will be final) of an arbitrator to be appointed by the Chief Justice of the Federal Court.

116. The Federal Legislature will be empowered, at the request of two or more Provinces, to pass a law which will be operative in those Provinces and in any other Province which may subsequently adopt it on a subject which would otherwise fall within the legislative competence of a Province only. Such a Federal Act will be subject, as regards any Province to which it applies, to subsequent amendment or repeal by the Legislature of that Province.

117. If any provision of a law of a State is in conflict with an Act of the Federal Legislature regulating any subject which the Ruler of that State has by his Instrument of Accession accepted as a Federal subject, the Act of the Federal Legislature, whether passed before or after the making of the law of the State, will prevail.

118. In order to minimise uncertainty of law and opportunities for litigation as to the validity of Acts, provision will be made limiting the period within which an Act may be called into question on the ground that exclusive powers to pass such legislation were vested in a Legislature in India other than that which enacted it; and enabling a subordinate Court before which the validity of an Act is called in question on that ground within the time limit to refer the question to the High Court of a Province or State for its decision; and also enabling the High Court of a Province or State to require a subordinate Court to make such a reference.

119. The consent of the Governor-General, given at his discretion, will be required to the introduction in the Federal Legislature of legislation which repeals or amends or is repugnant to any Act of Parliament extending to British India, or any Governor-General's or Governor's Act or Ordinance,* or which affects any Department reserved for the control of the Governor-General, or the coinage and currency of the Federation, or the powers and duties of the Federal Reserve Bank in relation to the management of currency and exchange, or religion or religious rites and usages, or the procedure regulating criminal proceedings against European British subjects.

120. The consent of the Governor-General, given in his discretion, will be required to the introduction in a Provincial Legislature of legislation on such of the matters enumerated in the preceding paragraph, as are within the competence of a Provincial Legislature, other than legislation which repeals, amends or is repugnant to a Governor's Act or Ordinance†; or which affects religion or religious rites and usages. The introduction in a Provincial Legislature of legislation on these latter subjects will require the consent of the Governor of the Province given in his discretion.

121. The giving of consent by the Governor-General or any Governor to the introduction of a Bill will be without prejudice to his power of withholding his assent to, or of reserving, the Bill when passed; but an Act will not be invalid by reason only that prior consent to its introduction was not given, provided that it was duly assented to either by His Majesty, or by the Governor-General or Governor, as the case may be.

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*A Governor-General's or Governor's Ordinance for the purpose of this paragraph means an Ordinance as described in paragraphs 53 and 103.

†This relates only to an Ordinance of the kind described in paragraph 103.

122. The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting in British India any British subject (including companies, partnerships or associations constituted by or under any Federal or Provincial law), in respect of taxation, the holding of property of any kind, the carrying on of any profession, trade, business or occupation, or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation, to any disability or discrimination based upon his religion, descent, caste, colour or place of birth ; but no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land in any area to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area, or which recognises the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law.

A Federal or Provincial law, however, which might otherwise be void on the ground of its discriminatory character will be valid if previously declared by the Governor-General or a Governor, as the case may be, in his discretion, to be necessary in the interests of the peace and tranquillity of India or any part thereof.

[Without qualification of this kind, legislation such as, for example, the Indian Criminal Tribes Act, would be invalidated by the provisions of this paragraph.]

123. The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting any British subject domiciled in the United Kingdom (including companies, etc., incorporated or constituted by or under the laws of the United Kingdom) to any disability or discrimination in the exercise of certain specified rights, if an Indian subject of His Majesty, or a company, etc., constituted by or under a Federal or Provincial law, as the case may be, would not in the exercise in the United Kingdom of the corresponding right be subject in the United Kingdom to any disability or discrimination of the same or a similar character. The rights in question are the right to enter, travel and reside in any part of British India ; to hold property of any kind ; to carry on any trade or business in, or with the inhabitants of, British India ; and to appoint and employ at discretion agents and servants for any of the above purposes.

Provision will be made on the same lines for equal treatment on a reciprocal basis of ships registered respectively in British India and the United Kingdom.

[A question which will require separate consideration arises with regard to the registration in India of medical practitioners registered in the United Kingdom. A Bill which has an important bearing on this question is at present under consideration in the Indian Legislature.]

124. An Act of the Federal or of a Provincial Legislature, however, which, with a view to the encouragement of trade or industry, authorises the payment of grants, bounties or subsidies out of public funds will not be held to fall within the terms of the two preceding paragraphs by reason only of the fact that it is limited to persons or companies resident

or incorporated in India, or that it imposes on companies not trading in India before the Act was passed as a condition of eligibility for any such grant, bounty or subsidy that the company shall be incorporated under laws of British India, or conditions as to the composition of the Board of Directors or as to the facilities to be given for training the Indian subjects of His Majesty.

Administrative Relations between the Federal Government and the Units.

Relations with the Provinces.

125. It will be the duty of a Provincial Government so to exercise its executive power and authority, in so far as it is necessary and applicable for the purpose, as to secure that due effect is given within the Province to every Act of the Federal Legislature which applies to that Province: and the authority of the Federal Government will extend to the giving of directions to a Provincial Government to that end.

The authority of the Federal Government will also extend to the giving of directions to a Provincial Government as to the manner in which the latter's executive power and authority shall be exercised in relation to any matter which affects the administration of a Federal subject.

126. The Governor-General will be empowered at his discretion to issue instructions to the Governor of any Province as to the manner in which the executive power and authority in that Province is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or any part thereof.

Relations with the States-members of the Federation.

127. It will be the duty of the Ruler of a State to secure that due effect is given within the territory of his State to every Act of the Federal Legislature which applies to that territory.

128. The Governor-General will be empowered and, if the terms of any State's Instrument of Accession so provide, will be required to make agreements with the Ruler of any State for the carrying out in that State, through the agency of State authorities, of any Federal purpose. But it will be a condition of every such agreement that the Governor-General shall be entitled, by inspection or otherwise, to satisfy himself that an adequate standard of administration is maintained.

129. The Governor-General will be empowered in his discretion to issue general instructions to the Government of any State-member of the Federation for the purpose of ensuring that the Federal obligations of that State are duly fulfilled.

Financial Powers and Relations.

[See also paragraphs 45—51 and 95—100 for the legislative procedure with regard to Financial Proposals.]

Property, Contracts and Suits.

130. All legal proceedings which may be at present instituted by or against the Secretary of State in Council will, subject to the reservations specified below, be instituted by or against the Federal Government or the Government of a Governor's province as the case may be.

131. All property in India which immediately before the date of the establishment of the Federation was vested in His Majesty for the purposes of the government of India will continue to be vested in His Majesty, but for the respective purposes of the Federal Government and the Governments of Governors' Provinces, and will, subject to any special provisions which may be made in relation to Railways, be allocated between the Federal and the Provincial Governments accordingly. Property vested in His Majesty for purposes of the government of India which are outside the Federal and Provincial spheres will not be affected by this allocation.

Appropriate provision will also be made with regard to property outside India vested in His Majesty for the purposes of the government of India.

132. Existing powers of the Secretary of State in Council in relation to property allocated under the preceding paragraph and in relation to the acquisition of property and the making of contracts for purposes of government which are not outside the Federal and Provincial spheres will be transferred to and become powers of the Governor-General of the Federation and Governors of Provinces respectively. All contracts, etc., made under the powers so transferred will be expressed to be made by the Governor-General or the Governor, as the case may be, and may be executed and made in such manner and by such persons as he may direct, but no personal liability will be incurred by any person making or executing such a contract.

133. The Secretary of State will be substituted for the Secretary of State in Council in any proceedings instituted before the commencement of the Act by or against the Secretary of State in Council.

134. Rights and liabilities arising under any Statute or contract in existence at the commencement of the Act, including existing immunities from Indian income-tax in respect of interest on sterling loans issued or guaranteed by the Secretary of State in Council, will be maintained and any remedies which, but for the passing of the Act would have been enforceable by or against the Secretary of State in Council, will after the commencement of the Act be enforceable by or against the Secretary of State; and all obligations arising under any such statute or contract which imposed a liability on the revenues of India will remain a liability on all the revenues of India whether Federal or Provincial.

135. Money required to meet any judgment or award given against the Secretary of State will, in the first instance, be a charge on the revenues of the Federation with the right of recovery by the Federal Government, where necessary and appropriate, from provincial revenues. The Secretary of State will have power to secure the implementing of any judgment or award obtained against him.

Allocation of Revenues.

Note.—Legislative powers in relation to taxation and raising of revenue will be defined by the legislative schedules in Appendix VI (see in particular items 34—37 and 49—54 of List I, and 66-67, with Annexure, of List II).

136. Revenues derived from sources in respect of which the Legislature of a Governor's Province has exclusive, or concurrent, power to make laws will be allocated as provincial revenues.

Revenues derived from sources in respect of which the Federal Legislature has exclusive power to make laws will be allocated as Federal revenues; but in the cases specified in the following paragraphs the Federation will be empowered or required to make assignments to Provinces or States from Federal revenues.

137. The Federal Legislature will be empowered to assign to Provinces and States in accordance with such schemes of distribution as it may determine the whole or any part of the net revenues derived from any one or more of the sources specified in the margin; in the case, however, of export duties on jute or jute products, an assignment to the producing units will be compulsory, and will amount to at least 50 per cent. of the net revenue from the duty.

138. The net revenues derived from the sources specified in the margin will be assigned to the Governors' Provinces. The Federal Legislature will, in each case, lay down the basis of distribution among the Provinces, but will be empowered to impose and retain a surcharge on such taxes for Federal purposes.

Duties on property passing on death (other than land).

Taxes on mineral rights and on personal capital other than land).

Terminal taxes on railway, water, or air-borne goods and passengers, and taxes on railway tickets and goods freights.

Stamp duties which are the subject of legislation by the Indian Legislature at the date of federation.

139. A prescribed percentage not being less than 50 per cent. nor more than 75 per cent. of the net revenue derived from the sources specified in the margin (exclusive of any surcharges imposed by the Provinces, and of revenues derived from taxes on the official emoluments of Federal officers or taxes on income attributable to Chief Commissioners' Provinces and other Federal areas) will be assigned on a prescribed basis to the Governors' provinces.

Taxes on income (other than agricultural income) except taxes on the income or capital of companies.

Provision will be made enabling this arrangement, with such modifications as may be found necessary, to be extended to any State-member of the Federation which has agreed to accept Federal legislation regarding the taxes on income referred to in the margin as applying to the State.

For each of the first three years after the commencement of the Constitution Act, however, the Federal Government will be entitled to retain in aid of federal revenues out of the moneys which would otherwise be assigned to the Provinces (the amount distributed to the Provinces being correspondingly reduced) a sum to be prescribed and for each of the next seven years a sum which is in any year less than that retained in the previous year by an amount equal to one-eighth of the sum originally prescribed. But the Governor-General will be empowered in his discretion to suspend these reductions in whole or in part, if after consulting the Federal and Provincial Ministers he is of opinion that their continuance for the time being would endanger the financial stability of the Federation.

140. Legislation concerning any of the forms of taxation mentioned in the three preceding paragraphs which directly affects any revenues assigned to the Provinces under these paragraphs will require the previous consent of the Governor-General given in his discretion after consultation with the Federal and Provincial Ministers.

141. The Federal Legislature will have power to impose surcharges for Federal purposes on taxes on income (other than agricultural income), no part of the proceeds of which will be assigned to Governors' Provinces (or other Units). While such surcharges are in operation, each State-member of the Federation (unless it has agreed to accept Federal legislation regarding taxes on income as applying to the State) will contribute to Federal revenues a sum to be assessed on a prescribed basis. But States will not be required to contribute any counterpart to the special addition to taxes on income imposed in September 1931, if and so long as those additions are still being imposed; though the latter will in other respects be deemed to be Federal surcharges.

142. The powers of the Federal Legislature in respect of the imposition of taxes on income or capital of companies will extend, but not until the expiry of ten years from the commencement of the Constitution Act, to the imposition of taxes on companies in any State-member of the Federation. Any taxes so imposed will, if any State so elects, be collected directly from the State by the Federal Government and not from the company.

143. Any assignment or distribution of revenues from Federal sources to State-members of the Federation will be subject to such conditions as may be laid down by Act of the Federal Legislature for the purpose of effecting adjustments in respect of any special privilege or immunity of a financial character enjoyed by a State.

144. Provision will be made for subventions to certain Governors' Provinces out of Federal revenues of prescribed amounts and for prescribed periods.

145. "Prescribed" in the above paragraphs means prescribed by His Majesty by Order in Council, and the draft of the Orders will be laid before both Houses of Parliament for approval.

Borrowing Powers.

146. The Federal Government will have power to borrow for any purposes of the Federation upon the security of Federal revenues within such limits as may from time to time be fixed by Federal law. [9 and 10 Will. III c. 44, sections 75 and 86, which necessitates the existing East India Loans Acts procedure in relation to Indian sterling borrowing, will cease to have effect.]

147. The trustee status of the existing India sterling loans will be maintained and will be extended to future sterling Federal loans.

148. The Federal Government will be empowered to grant loans to, or to guarantee a loan by, any Governor's province or State-member of the Federation on such terms and under such conditions as it may prescribe.

149. The Government of a Governor's Province will have power to borrow for any provincial purpose on the security of provincial revenues, within such limits as may from time to time be fixed by provincial law, but the consent of the Federal Government will be required if either (*a*) there is still outstanding any part of a loan made or guaranteed by the Federal Government or by the Governor-General in Council before the commencement of the Constitution Act; or (*b*) the loan is to be raised outside India.

General.

150. Provision will be made securing that Federal and Provincial revenues shall be applied for the purposes of the government of India alone.

PART IV.

THE JUDICATURE.

The Federal Court.

151. The Federal Court will consist of a Chief Justice and not less than Judges, together with such further Judges not exceeding , as His Majesty may, from time to time, after considering any Address from the Federal Legislature submitted to him by the Governor-General, think fit to appoint.

The Chief Justice and Judges of the Federal Court will be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years; and any Judge may resign his office to the Governor-General.

152. The salaries, pensions, leave and other allowances of Judges of the Federal Court will be fixed by Order in Council. But neither the salary of a Judge nor his rights in respect of leave of absence or pension will be liable to be varied to his disadvantage during his tenure of office.

153. A person will not be qualified for appointment as a Judge of the Federal Court unless he—

(*a*) has been for at least five years a Judge of a Chartered High Court; or

(*b*) has been for at least five years a Judge of a State Court in India and was, at the date of his appointment as such, qualified for appointment as a Judge of a Chartered High Court; or

(*c*) has been for at least five years a Judge of any Court, other than a Chartered High Court, and was, at date of his appointment as such, qualified for appointment as a Judge of a Chartered High Court; or

(*d*) is a Barrister of England or Northern Ireland, or a Member of the Faculty of Advocates in Scotland, of at least 15 years standing; or

(*e*) has been for at least 15 years an Advocate or Pleader of any High Court or of two or more High Courts in succession.

154. The Federal Court will sit at Delhi and at such other place or places, if any, as the Chief Justice, with the approval of the Governor-General, from time to time appoints.

155. The Federal Court will have an exclusive original jurisdiction in—

(*i*) any matter involving the interpretation of the Constitution Act or the determination of any rights or obligations arising thereunder, where the parties to the dispute are—

(*a*) the Federation and either a Province or a State; or

(*b*) two Provinces or two States, or a Province and a State

(*ii*) any matter involving interpretation of, or arising under, any agreement entered into after the commencement of the Constitution Act between the Federation and a Province or a State, or between two Provinces, or a Province and a State, unless the agreement otherwise provides.

A matter brought before the Federal Court under the provisions of this paragraph will be heard in the first instance by one Judge or such number of Judges as may be prescribed by rules of Court, and an appeal will lie to a Full Bench of the Court constituted of such number, not being less than ,of Judges as may be determined in the same manner.

156. The Federal Court will have an exclusive appellate jurisdiction from any decision given by any High Court or any State Court, so far as it involves the interpretation of the Constitution Act or of any rights or obligations arising thereunder. No appeal will lie under this provision except with the leave of the Federal Court or of the High Court of the Province or the State or Supreme Court in a civil case in which the value of the subject-matter in dispute exceeds Rs. .

157. An appeal to the Federal Court will be by way of Special Case on facts stated by the Court from which the appeal is brought. The Federal Court may on application for leave to appeal require a Special Case to be stated, and may return a Special Case so stated for a further statement of facts.

158. An appeal will lie without leave to the King in Council from a decision of the Federal Court in any matter involving the interpretation of the Constitution Act, but, subject always to the grant of special leave by His Majesty, in any other case only by leave of the Federal Court, unless the value of the subject-matter in dispute exceeds Rs. .

159. There will be no appeal, whether by special leave or otherwise, direct to the King in Council against any decision of a High Court in cases where, under the Constitution Act, an appeal lies to the Federal Court, either as of right or by leave of the Court.

160. The process of the Federal Court will run throughout the Federation, and within those territories all authorities, civil and judicial, will be bound in any place within their respective jurisdictions to recognize and enforce the process and judgments of the Federal Court; and all other Courts within the Federation will be bound to recognize decisions of the Federal Court as binding upon themselves.

161. The Governor-General will be empowered, in his discretion, to refer to the Federal Court, for hearing and consideration, any justiciable matter which he considers of such a nature and of such public importance that it is expedient to obtain the opinion of the Court upon it.

162. Provision will be made conferring on the Federal Court powers, similar to those enjoyed by High Courts, enabling the Court to grant remedies; and the Court will be empowered, with the approval of the Governor-General, to make rules of Court regulating the practice and procedure of the Court, including the fees to be charged in respect of proceedings in the Court.

The Supreme Court.

163. Provision will be made enabling the Federal Legislature to establish a Supreme Court of Appeal for British India with a jurisdiction not exceeding that indicated in the following paragraphs and to confer on it powers to grant remedies, to regulate procedure and to prescribe fees similar to those enjoyed by a High Court:

But the introduction of any Bill promoted for this purpose will require the previous sanction of the Governor-General given at his discretion.

164. The President and Judges of the Supreme Court will be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years; and any Judge may resign his office to the Governor-General.

The provisions relating to the qualifications for appointment of Judges will be the same as in the case of the Federal Court, and, as in the case of that Court, the salaries, pensions, leave and other allowances of Judges will be regulated by Order in Council.

165. The Supreme Court will be a Court of Appeal from the High Courts in British India, whether established by Letters Patent or otherwise.

166. Appeals to the Supreme Court in civil cases will be subject to the provisions now applicable to appeals to His Majesty in Council, including appeals by special leave, but power will be reserved to the Federal Legislature to limit the right of appeal, so far as it depends on the value of the subject-matter in dispute, to cases in which the value exceeds a specified amount not being less than Rs. 10,000 (the existing limit in the case of appeals to the King in Council).

Appeals in criminal cases will lie only where a sentence of death has been passed or where an acquittal on a criminal charge has been reversed by a High Court, and also where leave to appeal has been given by the Supreme Court on consideration of a certificate by a High Court that the case is a fit one for a further appeal.

167. On the establishment of the Supreme Court, a direct appeal from a High Court to His Majesty in Council in either a civil or a criminal case will be barred. An appeal from the Supreme Court to His Majesty in Council will be allowed in civil cases only by leave of the Supreme Court or by special leave. In criminal cases no appeal will be allowed to His Majesty in Council, whether by special leave or otherwise.

The Provincial High Courts.

168. The existing High Courts established by Letters Patent, usually known as the Chartered High Courts, will be maintained.

169. The Judges of High Courts will continue to be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years, and any Judge may resign his office to the Governor-General.

170. The qualifications for appointment as a Chief Justice or Judge will remain as at present, but the existing provision, which requires that one-third of the Judges of a Court must be barristers or members of the Faculty of Advocates in Scotland and that one-third must be members of the Indian Civil Service will be abrogated.

Any person qualified to be a Judge will be eligible for appointment as Chief Justice.

171. The salaries, pensions, leave and other allowances of Judges of High Courts will be regulated by Order in Council. But neither the salary of a Judge nor his rights in respect of leave of absence or pension will be liable to be varied to his disadvantage during his tenure of office.

172. The power to appoint temporary additional Judges and to fill temporary vacancies in the High Courts will be vested in the Governor-General in his discretion.

173. Subject to any provision which may be made by the Federal Legislature or by any Provincial Legislature within their respective spheres, as determined by the provisions of paragraphs 111, 112 and 114, the High Courts will have the jurisdiction, powers and authority vested in them at the time of the commencement of the Constitution Act.

174. His Majesty will be empowered to establish additional Chartered High Courts as required, and the Governor-General will, as at present, have power to transfer areas from the jurisdiction of one High Court to that of another, and to authorise a High Court to exercise jurisdiction in parts of British India not included within the local limits of its jurisdiction, and in respect of British subjects in parts of India outside British India.

175. The Federal Legislature will have power to regulate the powers of superintendence exercised by High Courts over subordinate Courts in the Province.

PART V.

THE SECRETARY OF STATE'S ADVISERS.

176. After the commencement of the Constitution Act the Council of India as at present constituted will cease to exist. But the Secretary of State will be empowered to appoint not less than three, nor more than six, persons (of whom two at least must have held office for at least ten years under the Crown in India) for the purpose of advising him.

177. Any person so appointed will hold office for a term of five years, will not be eligible for reappointment, and will not be capable, while holding his appointment, of sitting or voting in Parliament.

178. The salary of the Secretary of State's advisers will be £ , a year, to be defrayed from monies provided by Parliament.

179. The Secretary of State will determine the matters upon which he will consult his advisers, and will be at liberty to seek their advice, either individually or collectively, on any matter. But so long as a Secretary of State remains the authority charged by the Constitution Act with the control of any members of the Public Services in India (see paragraph 187) he will be required to lay before his advisers, and to obtain the concurrence of the majority of them to, any draft of rules which he proposes to make under the Constitution Act for the purpose of regulating conditions of service, and any order which he proposes to make upon an appeal admissible to him under the Constitution Act from any such member.

PART VI.

THE PUBLIC SERVICES.

General.

180. Every person employed under the Crown in India will be given a full indemnity against civil and criminal proceedings in respect of all acts before the commencement of the Constitution Act done in good faith and done or purported to be done in the execution of his duty.

181. Every person employed in a civil capacity under the Crown in India will hold office during His Majesty's pleasure, but he will not be liable to dismissal by any authority subordinate to the authority by whom he was appointed ; or to dismissal or reduction without being given formal notice of any charge made against him and an opportunity of defending himself, unless he has been convicted in a criminal court or has absconded.

Persons appointed by the Secretary of State in Council before the commencement of the Constitution Act, and persons to be appointed by the Secretary of State thereafter.

182. Every person appointed by the Secretary of State in Council before the commencement of the Constitution Act will continue to enjoy all service rights possessed by him at that date or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable. The Secretary of State will also be empowered to award compensation in any other case in which he considers it to be just and equitable that compensation should be awarded.

A summary of the principal existing service rights of persons appointed by the Secretary of State in Council is set out in Appendix VII, Part I.* These rights will be in part embodied in the Constitution Act and in part provided for by rules made by the Secretary of State.

†183. The Secretary of State will after the commencement of the Act make appointments to the Indian Civil Service, the Indian Police and the Ecclesiastical Department.‡ The conditions of all persons so appointed, including conditions as to pay and allowances, pensions, and discipline and conduct, will be regulated by rules made by the Secretary of State. It is intended that these rules shall in substance be the same as those now applicable in the case of persons appointed by the Secretary of State in Council before the commencement of the Act.

184. Every person appointed by the Secretary of State will continue to enjoy all service rights existing as at the date of his appointment, or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable. The Secretary of State will also be empowered to award compensation to any such person in any other case in which he considers it to be just and equitable that compensation should be awarded.

185. The Secretary of State will be required to make rules reg the number and character of civil posts to be held by persons appointed by the Crown, by the Secretary of State in Council or by the Secretary of State, and prohibiting the filling of any post declared to be a reserved post otherwise than by the appointment of one of those persons, or the

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*The rights referred to in items 14,15 and 16 of this Appendix will be extended to persons appointed by the Secretary of State in Council before the commencement of the Constitution Act and to persons appointed by the Secretary of State thereafter, serving under the Federal Government, the Governor-General being substituted for the Governor.

† Under existing conditions the personnel required for External Affairs and for conducting relations with the States belong to a common department—the Indian Foreign and Political Department. After the commencement of the Constitution Act, the latter will be under the Viceroy and their recruitment will be controlled by His Majesty's Government. The personnel of the Department of External Affairs will be under the Governor-General, who will himself direct and control that Department. The method of recruitment to it has not yet been determined by His Majesty's Government. For some time at any rate it may, for practical reasons, be found desirable to make the two departments interchangeable.

‡ See also the end of paragraph 72 of the Introduction.

keeping vacant of any reserved post for a period longer than three months without the previous sanction of the Secretary of State or save under conditions prescribed by him.

186. Conditions in regard to pensions and analogous rights will be regulated in accordance with the rules in force at the date of the Constitution Act and the Secretary of State will have no power to make any amending rules varying any of these conditions so as to affect adversely the pensions, etc., of any person appointed before the variation is made. An award of pension less than the maximum pension admissible will require the consent of the Secretary of State.

Claims in respect of pensions will be against the Federal Government only; it will be for the Federal Government to make any necessary adjustments with the Provinces. The pensions of all persons appointed before the commencement of the Constitution Act will be exempt from Indian taxation if the pensioner is residing permanently outside India. The pensions of persons appointed by the Secretary of State or by the Crown after that date will also be exempt from Indian taxation if the pensioner is residing permanently outside India.

187. The existing rule-making powers of the Secretary of State in Council will continue to be exercised by the Secretary of State in respect of persons appointed by the Secretary of State in Council or to be appointed by the Secretary of State until His Majesty by Order in Council made on an Address of both Houses of Parliament designates another authority for the purpose. Any rule made by the Secretary of State will require the approval of the Secretary of State's Advisory Council, unless and until both Houses of Parliament by resolution otherwise determine.

188. Provision will be made whereby any person appointed by the Crown who is or has been serving in India in a civil capacity and any person who, though not appointed by the Secretary of State in Council before the commencement of the Constitution Act, or by the Secretary of State after its commencement, holds or has held a post borne on the cadre of the Indian Civil Service, may be given such of the rights and conditions of service and employment of persons appointed by the Secretary of State in Council or by the Secretary of State, as the Secretary of State may decide to be applicable to his case.

189. A statement of the vacancies in, and the recruitment made to the Services and Departments to which the Secretary of State will appoint after the commencement of the Constitution Act will be laid annually before both Houses of Parliament.

At the expiration of five years from the commencement of the Constitution Act, a statutory enquiry will be held into the question of future recruitment for those Services, except the Foreign Department and the Ecclesiastical Department. The decision on the results of this enquiry, with which the Governments in India concerned will be associated, will rest with His Majesty's Government, and be subject to the approval of both Houses of Parliament.

Persons appointed or to be appointed otherwise than by the Secretary of State in Council or the Secretary of State.

190. The Federal and Provincial Governments respectively will appoint and, subject to the following paragraphs, determine the conditions of service of all persons in the Federal and Provincial services other than persons appointed by the Crown, by the Secretary of State in Council, or by the Secretary of State.

191. Every person in those Services at the commencement of the Constitution Act will continue to enjoy all service rights existing as at that date. A summary of the principal existing rights is set out in Appendix VII, Part II.

192. No person appointed by an authority other than the Secretary of State in Council who was serving in India in a civil capacity before the commencement of the Constitution Act will have his conditions of service in respect of pay, allowances, pension or any other matter, adversely affected, save by an authority in India competent to pass such an order on the 8th March 1926, or with the sanction of such authority as the Secretary of State may direct.

193. No rule or order of the Federal or a Provincial Government affecting emoluments, pensions, provident funds, or gratuities, and no order upon a memorial will be made or passed to the disadvantage of an officer appointed to a Central Service, Class I, or to a Provincial Service, before the commencement of the Act, without the personal concurrence of the Governor-General or the Governor, as the case may be. No post in a Central Service, Class I, or any Provincial Service shall be brought under reduction, if such reduction would adversely affect any person who, at the commencement of the Constitution Act, was a member of those services, without the sanction of the Governor-General or the Governor, as the case may be, or, in the case of any person appointed by the Crown or by the Secretary of State in Council, of the Secretary of State.

194. Every person, whether appointed before or after the commencement of the Constitution Act, who is serving in a civil capacity in a whole-time permanent appointment, will be entitled to one appeal against any order of censure or punishment, or against any order affecting adversely any conditions of service, pay, allowances, or pension, or any contract of service, other than an order made by the Federal Government in the case of officers serving under the control of that Government, or an order made by a Provincial Government in the case of officers serving under the control of Provincial Governments.

Public Service Commissions.

195. There will be a Federal Public Service Commission and a Provincial Public Service Commission for each Province; but by agreement the same Provincial Commission will be enabled to serve two or more Provinces jointly.

196. The members of the Federal Public Service Commission will be appointed by the Secretary of State, who will also determine their number, tenure of office, and conditions of service, including pay, allowances, and pensions, if any. The Chairman at the expiration of his term of office will be ineligible for further office under the Crown in India ; the other members will be eligible for appointment as Chairman of the Federal Commission or as Chairman of a Provincial Commission, and their eligibility for other appointments under the Crown in India will be subject to regulations made by the Secretary of State.

197. The members of a Provincial Public Service Commission will be appointed by the Governor, who will also determine at his discretion their number, tenure of office, and conditions of service, including pay, allowances, and pensions, if any. The Chairman at the expiration of his term of office will be ineligible for further office under the Crown in India, save as Chairman or member of the Federal Public Service Commission. The other members will be eligible for appointment as Chairman or members of the Federal Commission or of any Provincial Commission, and their eligibility for other appointments under the Crown in India will be subject to regulations made by the Governor.

198. The emoluments of the members of all Public Service Commissions will not be subject to the vote of the Legislatures.

199. The Federal and Provincial Public Service Commissions will conduct all competitive examinations for appointments to Federal and Provincial Services respectively. The Governments will be required to consult them on all matters relating to methods of recruitment, on appointments by selection, on promotions, and on transfers from one service to another, and the Commissions will advise as to the suitability of candidates for such appointments, promotions or transfers.

200. The Federal and Provincial Governments will also be required, subject to such exceptions (if any) as may be specified in regulations to be made by the Secretary of State or a Governor, as the case may be, to consult the Public Service Commissions in connection with all disciplinary orders (other than an order for suspension) affecting persons in the Public Services in cases which are submitted to the Governments for orders in the exercise of their original or appellate powers ; in connection with any claim by an officer that a Government should bear the costs of his defence in legal proceedings against him in respect of acts done in his official capacity ; and in connection with any other class of case specified by regulations made from time to time by the Secretary of State or a Governor, as the case may be. But no regulations made by a Governor will be able to confer powers on a Provincial Commission in relation to any person appointed by the Secretary of State without the assent of the Secretary of State, or, in relation to any other person who is not a member of one of the Provincial Services, of the Governor General.

201. The Federal and Provincial Governments will be empowered to refer to the appropriate Commission for advice any case, petition, or memorial, if they think fit to do so ; and the Secretary of State will be empowered to refer to the Federal Commission any matter relating to persons appointed by him on which he may desire to have the opinion of the Commission.

Part VII.

TRANSITORY PROVISIONS.

*202. The Constitution Act, though treating the Federation as a whole, will contain provisions enabling the Provincial Constitutions for which it provides to be brought into being if necessary before the Constitution as a whole comes into being. Transitory provisions, also to be included in the Constitution Act, will enable in that event temporary modifications to be made in the provisions of the Constitution Act for the purpose of continuing the existence of the present Indian Legislature, of removing the limit to the number of Counsellors whom the Governor-General may appoint, of placing the administration of all departments of the Central Government under the Governor-General's exclusive control, and of suspending the operation of the provisions relating to the Council of Ministers. Broadly stated, the effect of these transitory provisions will be that the executive of the Central Government, though necessarily deprived of much of its present range of authority in the Provinces, would for the time being be placed in substantially the same position as that occupied by the Governor-General in Council under the existing Act.

* This paragraph should be read in relation to paragraphs 12 and 13 of the Introduction.

APPENDIX I.

COMPOSITION OF AND METHOD OF ELECTION TO THE BRITISH INDIA SIDE OF THE FEDERAL COUNCIL OF STATE.

(See paragraph 18 of the Introduction and paragraph 26 of the Proposals.)

The British India seats in the Council of State will be filled in the following manner: 136 seats will be filled by election by means of the single transferable vote by the members of the Provincial Legislatures, the number of seats elected by each being as follows:—

Madras, Bombay, Bengal, United Provinces, Punjab and Bihar	18 each.
Central Provinces (with Berar)*	8.
Assam, North-West Frontier Province, Sind and Orissa...	5 each.

In Provinces where there is an Upper Chamber, its members will participate jointly with the members of the Provincial Assembly for the purpose of election to the Council of State.

Indian Christian, Anglo-Indian and European members of the Provincial Legislatures will not be entitled to vote in the elections for the above-mentioned seats in the Council of State. Ten non-Provincial communal seats will be reserved in the Council of State, 7 for Europeans, 2 for Indian Christians, 1 for Anglo-Indians, these seats being filled by election by three electoral colleges, consisting respectively of the European, Indian Christian and Anglo-Indian members of the above-mentioned Provincial Legislatures, voting for the European and Indian Christian seats being by the method of the single transferable vote.

One seat each will be provided in the Council of State for Coorg, Ajmer, Delhi and Baluchistan. Members of the Coorg Legislature will elect to the Coorg seat. Special provision will be made for election in the other three of these Chief Commissioners' Provinces. (It may be necessary to resort to nomination in the case of Baluchistan.)

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*See paragraph 45 of Introduction.

APPENDIX II.

FEDERAL ASSEMBLY: BRITISH INDIA SIDE.

(See paragraph 17 of the Introduction and paragraph 29 of the Proposals.)

The British India side of the Federal Assembly will be composed as shown in the annexed table. The constituencies will all be provincial, except for the four seats shown in the table as non-provincial.

Election to the seats allotted to the Sikh, Muslim, Indian Christian, Anglo-Indian and European constituencies will be by voters voting in separate communal electorates. All qualified voters who are not voters in one of these constituencies will be entitled to vote in a general constituency.

Seats will be "reserved" for the Depressed Classes out of the general seats to the extent indicated in the table. Election to these seats will be by joint electorates in plural-member constituencies, subject to the following procedure: All members of the Depressed Classes registered in the general electoral roll of a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats by the method of the single vote, and the four persons getting the highest number of votes in such primary election will be the only candidates for election by the general electorate qualified for the reserved seat.

Election to the woman's seat in each of the provinces to which one is allocated will be by the members of the Provincial Legislature voting by means of the single transferable vote.

The special seats allotted to Commerce and Industry will be filled by election by Chambers of Commerce and other similar associations.

The special seats allotted to Landholders will be filled by election in special landholders' constituencies.

The special seats allotted to Labour will be filled from non-communal constituencies; the electoral arrangements have still to be determined.

APPENDIX II—(*continued*).

Composition of Federal Assembly (British India side).

Province (and Population in Millions).	Total.	General.	Number of General Seats Reserved for Depressed Classes.	Sikh.	Muslim.	Indian Christian.	Anglo-Indian.	European.	Women, Special.	Commerce and Industry, Special.‡	Landholders, Special.	Labour, Special.
Madras (45·6)	37	19	4	0	8	2	1	1	2	2	1	1
Bombay (18·0)	30	13	2	0	6	1	1	1	2	3	1	2
Bengal (50·1)	37	10	3	0	17	1	1	1	1	3	1	2
U. P. (48·4)	37	19	3	0	12	1	1	1	1	0	1	1
Punjab (23·6)	30	6	1	6	14	1	0	1	1	0	1	0
Bihar (32·4)	30	16	2	0	9	1	0	1	1	0	1	1
C.P. (with Berar§) (15·5)	15	9	2	0	3	0	0	0	1	0	1	1
Assam (8·6)	10	4	1	0	3	1	0	1	0	0	0	1
N.-W. F. P. (2·4)	5	1	0	0	4	0	0	0	0	0	0	0
Sind (3·9)	5	1	0	0	3	0	0	1	0	0	0	0
Orissa (6·7)	5	4	1	0	1	0	0	0	0	0	0	0
Delhi (0·6)	2	1	0	0	1	0	0	0	0	0	0	0
Ajmer (0·6)	1*	1	0	0	0	0	0	0	0	0	0	0
Coorg (0·2)	1*	1	0	0	0	0	0	0	0	0	0	0
Baluchistan‖ (0·5)	1*	0	0	0	1	0	0	0	0	0	0	0
Non-Provincial	4	0	0	0	0	0	0	0	0	3†	0	1
Total (257·1)	250	105	19	6	82	8	4	8	9	11	7	10

* Non-communal seats.

† These 3 seats are to be filled by (1) Associated Chambers of Commerce, (2) Federated Chambers of Commerce, (3) Northern India Commercial Bodies.

‡ The composition of the bodies through which election to these seats will be conducted will not be statutorily fixed. It is accordingly not possible to state with certainty how many Europeans and Indians respectively will be returned. It is, however, expected that initially the numbers will be approximately 6 Europeans and 5 Indians.

§ See paragraph 45 of Introduction.

‖ It may be necessary to resort to nomination in the case of Baluchistan.

APPENDIX III.

Part I.

Provincial Legislative Assemblies.

(See paragraph 49 of Introduction and paragraph 78 of the Proposals.)

1. Seats in the Legislative Assemblies in the Governors' Provinces will be allocated as shown in the annexed table.

2. Election to the seats allotted to Muhammadan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between them the whole area of the Province (apart from any portions which may in special cases be excluded from the electoral area as "backward").

3. All qualified electors, who are not voters either in a Muhammadan, Sikh, Indian Christian (see paragraph 5 below), Anglo-Indian (see paragraph 6 below) or European constituency, will be entitled to vote in a general constituency.

4. Seats will be reserved for the Depressed Classes out of the general seats to the extent indicated in the table. Election to these seats will be by joint electorates, in plural member constituencies, subject to the following procedure: All members of the Depressed Classses registered in the general electoral roll of a constituency will form an electoral college which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats by the method of the single vote, and the four persons getting the highest number of votes in such primary election shall be the only candidates for election by the general electorate who are qualified for the reserved seats.

5. Election to the seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that practical difficulties will, except possibly in Madras, prevent the formation of Indian Christian constituencies covering the whole area of the Province, and that accordingly special Indian Christian constituencies will have to be formed only in one or two selected areas in the Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency. Special arrangements may be needed in Bihar, where a considerable proportion of the Indian Christian community belong to the aboriginal tribes.

6. Election to the seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is intended, subject to investigation of any practical difficulties that may arise, that the Anglo-Indian constituencies shall cover the whole area of each Province, a postal ballot being employed.

7. The method of filling the seats assigned for representatives from backward areas is still under investigation, and the number of seats so assigned should be regarded as provisional.

8. The precise electoral machinery to be employed in the constituencies for the special women's seats is still under consideration.

9. The seats allotted to "Labour" will be filled from non-communal constituencies. The electoral arrangements have still to be determined, but it is likely that in most Provinces the Labour constituencies will be partly trade union and partly special constituencies.

10. The special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chambers of Commerce and various Associations. The details of the electoral arrangements for these seats must await further investigation.

11. The special seats allotted to Landholders will be filled by election by special Landholders' constituencies.

12. The method to be employed for election to the University seats is still under consideration.

PART II.

Provincial Legislative Councils.

(See paragraph 49 of Introduction and paragraph 80 of the Proposals.)

The Legislative Councils (Upper Chambers) in the Provinces of Bengal, United Provinces and Bihar, will be constituted as follows:—

Bengal.—Total seats—65.

10 nominated by the Governor in his discretion.
(Serving officials will not be eligible for nomination.)

27 elected by method of the single transferable vote by the members of the Bengal Legislative Assembly.

17 directly elected from constituencies for which only Muslim voters will be qualified.

1 directly elected from constituencies for which only European voters will be qualified.

12 directly elected from general constituencies in which all qualified voters other than Muslims and Europeans will be entitled to vote.

The United Provinces.—Total seats—60.

9 nominated by the Governor in his discretion.
(Serving officials will not be eligible for nomination.)

17 directly elected from constituencies for which only Muslim voters will be qualified.

34 directly elected from general constituencies for which all qualified voters other than Muslims will be entitled to vote.

Bihar.—Total seats—30.

5 nominated by the Governor in his discretion.
(Serving officials will not be eligible for nomination.)

12 elected by method of the single transferable vote by the members of the Bihar Legislative Assembly.

4 directly elected from constituencies for which only Muslim voters will be qualified.

9 directly elected from general constituencies for which all qualified voters other than Muslims will be entitled to vote.

APPENDIX III (PART I)—(*continued*).

Composition of Provincial Legislative Assemblies (Lower Houses).

Province. (Population in Millions shown in brackets.)	General.	Number of General Seats Reserved for Depressed Classes.	Representatives from Backward Areas.	Sikh.	Muhammadan.	Indian Christian.	Anglo-Indian.	European.	Commerce and Industry, Mining and Planting. Special (a).	Landholders, Special.	University, Special.	Labour, Special.	Total.
Madras (45·6)	152 (including 6 women)	30	1	0	29 (including 1 woman)	9 (including 1 woman)	2	3	6	6	1	6	215
Bombay (18·0)	119 (b) (including 5 women)	15	1	0	30 (including 1 woman)	3	2	3	7	2	1	7	175
Bengal (50·1)	80 (including 2 women)	30	0	0	119 (including 2 women)	2	4 (including 1 woman)	11	19	5	2	8	250
United Provinces (48·4)	144 (including 4 women)	20	0	0	66 (including 2 women)	2	1	2	3	6	1	3	228
Punjab (23·6)	43 (including 1 woman)	8	0	32 (including 1 woman)	86 (including 2 women)	2	1	1	1	5(c)	1	3	175
Bihar (32·4)	89 (including 3 women)	15	7	0	40 (including 1 woman)	1	1	2	4	4	1	3	152
Central Provinces [with Berar (e)] (15·5)	87 (including 3 women)	20	1	0	14	0	1	1	2	3	1	2	112
Assam (8·6)	48(d) (including 1 woman)	7	9	0	34	1	0	1	11	0	0	4	108
North-West Frontier Province (2·4)	9	0	0	3	36	0	0	0	0	2	0	0	50
Sind (3·9)	19 (including 1 woman)	0	0	0	34 (including 1 woman)	0	0	2	2	2	0	1	60
Orissa (6·7)	49 (including 2 women)	7	2	0	4	1	0	0	1	2	0	1	60

(*a*) The composition of the bodies through which election to these seats will be conducted, though in most cases either predominantly European or predominantly Indian, will not be statutorily fixed. It is, accordingly, not possible in each Province to state with certainty how many Europeans and Indians respectively will be returned. It is, however, expected that, initially, the numbers will be approximately as follows:—Madras, 4 Europeans, 2 Indians; Bombay, 4 Europeans, 3 Indians; Bengal, 14 Europeans, 5 Indians; United Provinces, 2 Europeans, 1 Indian; Punjab, 1 Indian; Bihar, 2 Europeans, 2 Indians; Central Provinces (with Berar), 1 European, 1 Indian; Assam, 8 Europeans, 3 Indians; Sind, 1 European, 1 Indian; Orissa, 1 Indian.

(*b*) Seven of these seats will be reserved for Mahrattas.

(*c*) One of these seats is a Tumandar's seat. The four Landholders' seats will be filled from special constituencies with joint electorates. It is probable, from the distribution of the electorate, that the members returned will be 1 Hindu, 1 Sikh and 2 Muhammadans.

(*d*) This woman's seat will be filled from a non-communal constituency at Shillong.

(*e*) See paragraph 45 of Introduction.

APPENDICES IV AND V.

FRANCHISE.

Introductory Note.

1. The qualifications proposed for the Franchise for the Provincial Legislatures and for the seats allotted to the provinces of British India in the Federal House of Assembly are set out in the Schedules which follow. It should be emphasised that the qualifications in question are necessarily subject to modification in details on the preparation of an electoral roll. They are essentially based on the existing franchise qualifications for legislative or municipal bodies.

2. *General qualifications.*—Apart from the qualification of race, community, or religion, in the case of certain seats, voters in respect of any of the qualifications shown in these schedules must be British subjects, must have attained the age of 21 years, and, save in the case of certain special constituencies, must reside in the constituency in which they claim to vote.

3. For the first two elections under the new constitution, and thereafter unless and until a local Government modifies this requirement in respect of the area under its control, claimants in respect of an educational qualification, or of property held by a husband, will be required to make application to be entered on the electoral roll to the returning officer. The proportion of women to men in the electorate will depend upon the number of women who are actually registered under the qualifications in question. There are practical difficulties in placing on returning officers the whole responsibility for the registration of those qualifications. But His Majesty's Government are very anxious to secure that the proportion of women electors should be adequate and further consideration of the above arrangements may be necessary.

4. *The Scheduled Castes (Depressed Classes).*—It is the intention of His Majesty's Government to make provision for the inclusion on the Electoral rolls for the Provincial Legislative Assemblies of approximately 10 per cent. of the population of the Depressed Classes (whom it is proposed in future to designate Scheduled Castes) in all Provinces save Bihar and Orissa (where the percentage will be in the neighbourhood of 7 per cent.) and the North-West Frontier Province and Sind, where the numbers of the Scheduled Castes are negligible. In the case of the Federal House of Assembly, the approximate general percentage aimed at is 2 per cent. (save in the case of Bihar and Orissa and of the North-West Frontier Province and Sind). Certain provinces are satisfied that it will be possible to attain these percentages under the operation of the general franchise qualifications. In certain other provinces it appears open to question whether this will be the case, and, if on the preparation of the Electoral Roll a marked deficiency is found to exist, special steps to make it up will be called for. The differential franchise contemplated in such circumstances by certain provinces is provisionally included in the Schedules which follow. The Scheduled Castes are enumerated by Provinces in Appendix VIII.

5. *The Educational Qualification.*—Owing to the marked differences in the educational system in different provinces, and the absence of records which could be used to support a claim to an educational qualification in certain cases, it has proved impossible to lay down any common educational standard for the provincial legislatures which would apply to the whole of India, and in certain provinces it has

been found necessary to fix a standard identical with that laid down for the Federal House of Assembly. His Majesty's Government, in accepting in these circumstances a high educational standard as an electoral qualification for certain provincial legislatures, do so with the reservation that it shall be open to the Local Governments concerned to lower it once the administrative difficulties involved are overcome.

6. *Sind and Orissa.*—While it has been decided that Sind and Orissa shall be established as separate provinces, the framing of a detailed scheme for the franchise for the Provincial Legislative Assembly in those provinces has not yet been completed. While the franchises in question will probably closely resemble (allowance being made for the special conditions of the new provinces) those laid down in the Schedules which follow for Bombay and Bihar and Orissa respectively, it has been thought preferable at the present stage to make no specific provision for either Sind or Orissa in the Schedules.

7. *Special Constituencies.*—In the interest of presenting as complete a picture as possible of the franchise qualifications proposed, the Schedules which follow set out in detail the *existing* qualifications for the various Special Constituencies (representing Landholders, Commerce, Industry, Mining, Planting, Universities) in each province in the case of the Provincial and Federal Legislatures alike. The qualifications in question should, however, be regarded as provisional, pending the closer investigation of the existing electorates for these seats which is contemplated at the stage of the general delimitation of constituencies. Pending further investigation at the same stage no specific proposals are included in the Schedules in respect of the seats now for the first time assigned to Labour in the Provincial and Federal Legislatures and to Backward areas in certain provincial legislatures, or of certain other constituencies to be brought into being consequent on the Communal decision. Nor has any separate provision been made for the special seats reserved for women. Election to those seats in the Provincial Legislatures will be on the basis of the general franchise qualifications; while election in the case of the Federal Lower House will be by members of Provincial Legislatures.

APPENDIX IV.

Franchise for the British-Indian seats in the House of Assembly.

I.—Madras.
II.—Bombay.‡
III.—Bengal.
IV.—United Provinces.
V.—Punjab.
VI.—Bihar and Orissa.‡
VII.—Central Provinces with Berar.¶
VIII.—Assam.
IX.—North-West Frontier Province.
X.—Delhi.
XI.—Ajmer-Merwara.
XII.—Coorg.
XIII.—British Baluchistan.
XIV.—Non-Provincial Special Constituencies.

I.—MADRAS.

1.—*Qualifications* for Electors for Constituencies other than special constituencies.*

(*a*) Payment of not less than Rs. 3 per annum taxation in a municipality in respect of property, company, or profession tax.

(*b*) Holding of land of annual rental value of Rs. 10.

(*c*) *In urban constituencies*—

(i) payment of property tax, company tax, or profession tax (subject to a minimum of Rs. 3, save in the case of Madras City),

(ii) in Madras City only, occupation of a house of rental value of Rs. 60.

(*d*) Assessment to income tax.

(*e*) Having passed the examination for Matriculation or for the Secondary School Leaving Certificate or an examination accepted as its equivalent by the Local Government.

(*f*) Being a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's Regular Forces.

(*g*) The differential qualifications to be prescribed in order to produce an electorate of approximately 2 per cent. of the population of the Scheduled Castes are under consideration.

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

‡See paragraph 6 of the Introductory Note to Appendices IV and V.

¶See Introduction, paragraph 45.

2. *Franchise for Special Constituencies.*

(a) *Landholders.*†—Registration on the electoral roll of any Landholders' constituency in the Madras Provincial Legislative Council.

(b) *Indian Commerce*† (South India Chamber of Commerce).—Every Indian, and one duly authorised representative of every Indian partnership, if he or the partnership, as the case may be, has been assessed to income tax in the previous year on an income of not less than Rs. 10,000 derived from business within the meaning of the Indian Income Tax Act, 1922.

(c) *Madras Chamber of Commerce.*—Being a member of the Chamber with a place of residence in India.§

(d) *Labour.*—The question of the method of election and the franchise are under consideration.

II.—BOMBAY.

1.—*Qualifications* of Electors in Constituencies other than special constituencies.*

(a) *In rural areas*—

(i) The ownership or occupation of land assessed at Rs. 32 land revenue (Rs. 16 in the Upper Sind Frontier, the Panch Mahals, and the Ratnagiri districts).

(ii) Occupation as owner or tenant in any municipal district, cantonment, or notified area in the constituency, of a building or part of a building separately occupied of an annual rental value of not less than Rs. 36 in Sind, or in any other constituency where tax is based on the annual rental value of houses or buildings of an annual rental value of not less than Rs. 24 in the Panch Mahals and Ratnagiri districts and Rs. 36 elsewhere, or, where no such tax is leviable, of a capital value of not less than Rs. 1,000 in the Panch Mahals and Ratnagiri Districts and Rs. 1,500 elsewhere.

(iii) Being the alienee of the right of Government to the payment of rent or land revenue, or a Khot or sharer in a Khoti village or a sharer in a bhagdari or narvadari village responsible for the payment of land revenue, subject in all cases to the minima set out in (i) and (ii) above.

(b) *In Bombay City and other urban areas.*—Occupation as owner or tenant of a building of the annual rental value of not less than Rs. 120 in Bombay, Rs. 60 in Karachi; and in any other urban constituency where any tax is based on the annual rental value of houses or buildings of an annual rental value of not less than Rs. 36 or, where no tax so based is levied, a capital value of not less than Rs. 1,500.

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of the Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation in connection with the general delimitation of constituencies, they should be regarded as provisional.

§Provisional.

(c) Assessment to income tax.

(d) Having passed the examination for Matriculation or for the School-leaving Certificate or an examination accepted as the equivalent thereof by the Local Government.

(e) Being a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's Regular Forces.

2. *Franchise for Special Constituencies.*

(a) *Landholders*†—

(i) Being a First or Second-Class Jagirdar in Sind, or a Zamindar, who, in each of the three revenue years preceding the publication of the electoral roll, has paid not less than Rs. 1,000 land revenue on land in Sind.

(ii) For the Deccan and Gujerat Sardars and Inamdars constituency, entry on the list for the time being in force under Bombay Government, Political Department, Resolutions 2363 of the 23rd July, 1867, and 6265 of the 1st April, 1909, *or* being the sole alienee of the right of Government to land revenue in respect of an entire village in the presidency of Bombay, excluding Sind and Aden, *or* being the sole holder on talukdari tenure of such a village.

(b) *Indian Commerce.*†—Members of the Indian Merchants' Chamber and Bureau of the Bombay Millowners' Association, and of the Ahmedabad Millowners' Association, are qualified as electors respectively for the constituency comprising the Association of which they are members.

(c) *European Commerce.*†‡—Being a member of the Bombay Chamber of Commerce having a residence in India.

(d) *Labour.*—The question of the method of election and the franchise is under consideration.

III.—BENGAL.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(a) Payment of not less than Rs. 1-8-0 per annum in Municipal or cantonment taxes (Rs. 3 in the Howrah Municipality).

(b) Payment of Re. 1 per annum or over as road or public works cess or Rs. 2 Chaukidari tax (under the Village Chaukidari Act, 1870), or Union rate (under the Bengal Village Self-Government Act, 1919).

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of the Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation in connection with the general delimitation of constituencies, should be regarded as provisional.

‡This constituency is at present a Council of State constituency, but will be transferred to the Lower House of the new Federal Legislature.

(c) *In Calcutta*—

(i) Ownership and occupancy of land or building assessed at Rs. 150 per annum.

(ii) Ownership or occupancy of land or building assessed at Rs. 300 per annum.

(iii) Payment of Rs. 24 per annum or over as corporation tax.

(d) Assessment to Income tax (or, in Calcutta only, being a member of a firm assessed to income tax whose share of the firm's income on which income tax was so assessed is certified to have been not less than the minimum on which tax is leviable).

(e) Having passed the examination for Matriculation or for the School-leaving Certificate or an examination accepted by the Local Government as the equivalent thereof.

(f) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's Regular Forces.

2. *Franchise for Special Constituencies.*

(a) *Landholders*†—

(i) In the Burdwan and Presidency Divisions proprietorship of property assessed to land revenue of not less than Rs. 6,000, or road and public works cesses of not less than Rs. 1,500.

(ii) In the Dacca, Rajshahi, and Chittagong Divisions proprietorship in own right, or tenure direct from such a proprietor, of property assessed to land revenue of not less than Rs. 4,000, or road and public works cesses of not less than Rs. 1,000.

(b) *Commerce*—

(i) † Membership of Bengal National Chamber of Commerce, the Marwari Association or the Bengal Mahajan Sabha.

(ii) Bengal Chamber of Commerce.†‡ Having a place of residence in India, and being a Chamber member of the Bengal Chamber of Commerce, or a person entitled to exercise the rights and privileges of Chamber membership on behalf of and in the name of any firm, company or other corporation.

(iii) Jute Mills Associations Constituency. The question of the method of election to and the franchise for the new seat to be created is under consideration.

(c) *Labour.*—The question of the method of election and the franchise is under consideration.

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†See paragraph 7 of the Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation in connection with the general delimitation of constituencies, should be regarded as provisional.

‡This is at present a Council of State constituency, but will be transferred to the Lower House of the new Federal Legislature.

IV.—United Provinces.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Ownership or tenancy of a building of rental value of not less than Rs. 36 per annum.

(*b*) Payment of Municipal tax on an income of not less than Rs. 200 per annum.

(*c*) Ownership of land paying or assessed to not less than Rs. 25 per annum land revenue.

(*d*) Payment of rent of not less than Rs. 25 per annum as a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1901, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886.

(*e*) In the hill pattis of Kumaon ownership of a fee-simple estate or assessment to payment of land revenue or cesses of any amount, or being a Khaikar.

(*f*) Being a tenant (other than a sub-tenant) as defined in the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, paying rent of not less than Rs. 50 per annum or its equivalent in kind, or over.

(*g*) Assessment to income tax.

(*h*) Having passed the Matriculation or School-leaving Certificate examination, or an examination accepted by the Local Government as the equivalent thereof.

(*i*) Being a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's Regular Forces.

2. *Franchise for Special Constituencies.*

(*a*) *Landholders.*—Land revenue of not less than Rs. 5,000 per annum.†

(*b*) *Labour.*—The question of the method of election and the franchise is under consideration.

V.—Punjab.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Ownership of immovable property, not being land assessed to land revenue, of a value of not less than Rs. 4,000 or an annual rental value of not less than Rs. 96, or tenancy of such property of an annual rental value of not less than Rs. 96.

(*b*) Payment of direct municipal or cantonment taxes of Rs. 50 or over.

(*c*) Ownership or tenancy with right of occupancy as defined in Chapter II, Punjab Tenancy Act, 1887, of land paying land revenue of Rs. 25 or over.

(*d*) Tenancy of Crown land on a lease of not less than 3 years rented at Rs. 25 per annum or over.

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

† See paragraph 7 of the Introductory Note to Appendices IV and V. The qualification shown is the existing qualification, but, pending closer examination in connection with the general delimitation of constituencies, it should be regarded as provisional.

(e) Being the assignee of land revenue amounting to not less than Rs. 50 per annum.

(f) Being a village officer or headman (Zaildar, inamdar, sufedposh or lambardar) in the constituency.

(g) Assessment to income tax.

(h) Having passed the examination for Matriculation or for the School-leaving certificate or an examination accepted by the Local Government as the equivalent thereof.

(i) Being a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's Regular Forces.

(j) *Scheduled Castes.*—The differential qualifications to be prescribed in order to produce an electorate of approximately 2 per cent. of the population of the Scheduled Castes are under consideration.

2. *Franchise for Special Constituencies.*

Landholders†—

(i) Ownership of land assessed to land revenue of not less than Rs. 1,000 per annum.

(ii) Being the assignee of land revenue of not less than Rs. 1,000 per annum.

VI.—BIHAR AND ORISSA.

1. *Qualifications* of Electors for Constituencies other than Special Constituencies.*

(a) In all Rural Areas of the province except the districts of Sambalpur and the Santal Parganas and the Khondmals sub-division of Angul, payment of Chaukidari tax at the rate [save in the case of the Scheduled Castes (see (h) below)] of not less than Rs. 2-8-0 annually.

(b) In Sambalpur and the Santal Parganas—

(i) holding of an estate or estates or portion or portions thereof for which a separate account has been opened, paying an aggregate amount of not less than Rs. 12 per annum local cess, *or*

(ii) tenure of land assessed for purposes of local cess to an aggregate amount of not less than Rs. 100 per annum, *or*

(iii) holding of land as a raiyat liable to an annual aggregate rent or local cess amounting respectively to Rs. 24 and to As. 12 in constituencies in the Santal Parganas, and to Rs. 48 and Rs. 1-8-0 respectively in Sambalpur, *or*

(iv) assessment to not less than Rs. 1-8-0 under § 118-C of the Bengal Local Self-Government Act, 1885, or § 47 of the Bihar and Orissa Village Administration Act, 1922.

(c) *Khondmals Sub-division.*—The basis and method of enfranchisement is still under investigation.

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of the Introductory Note to Appendices IV and V. The qualification shown is the existing qualification, but, pending closer examination in connection with the general delimitation of constituencies, it should be regarded as provisional.

(*d*) *Urban Areas.*—Save in the Jamshedpur urban area, for which a special franchise is under consideration, payment of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 3.

(*e*) Assessment to income tax.

(*f*) Having passed the examination for Matriculation, or for the School-leaving Certificate, or an examination accepted by the Local Government as the equivalent thereof.

(*g*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's Regular Forces.

(*h*) *Scheduled Castes.*—Payment of Chaukidari tax of not less than Rs. 1-4-0 in rural areas.‡

2. *Franchise for Special Constituencies.*

(*a*) *Landholders*†.—Assessment to land revenue or local cess to an aggregate annual amount of not less than Rs. 10,000 or Rs. 2,500 respectively.

(*b*) *Labour.*—The question of the method of election and the franchise is under consideration.

VII.—CENTRAL PROVINCES WITH BERAR.§§

1. *Qualifications* of Electors for Constituencies other than Special Constituencies.*

(*a*) *For classes other than the Scheduled Castes.*

(i) *Rural Areas.*—Payment of a rent or revenue of Rs. 20 or over.

(ii) *Urban Areas.*—Occupation of a house of rental value of Rs. 30 or payment of an equivalent Haisiyat.

(*b*) *For the Scheduled Castes.*

(i) In rural areas, payment of a rent or revenue of Rs. 10 or over.

(ii) In Urban areas, occupation of a house of a rental value of Rs. 18.

(*c*) Assessment to income tax.

(*d*) Having passed the examination for Matriculation or for the School-leaving Certificate or an examination accepted by the Local Government as the equivalent thereof.

(*e*) Being a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's Regular Forces.

2. *Franchise for Special Constituencies.*

(*a*) *Landholders*†—

(i) Holder of a hereditary title recognised by Government, who holds agricultural land in proprietary right; *or*

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of the Introductory Note to Appendices IV and V. The qualification shown is the existing qualification, but, pending closer examination in connection with the general delimitation of constituencies, it should be regarded as provisional.

‡Provisional.

§§See Introduction, paragraph 45.

(ii) Being the owner of an estate as defined in § 2 (3) of the Central Provinces Land Revenue Act, 1917; *or*

(iii) Being the holder in proprietary right of land, the land-revenue or Kamil-jama of which is not less than Rs. 5,000.

(*b*) *Labour.*—The question of the method of election and the franchise is under consideration.

VIII.—Assam.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Assessment to an aggregate of not less than Rs. 3 municipal or cantonment rates or taxes (Rs. 2 in the case of the Nowgong, and Rs. 1-8-0 in the case of the Sylhet, Municipality).

(*b*) Assessment to not less than Re. 1 per annum as union or chaukidari tax.

(*c*) Ownership of land assessed to or assessable at land revenue of not less than Rs. 15 per annum.

(*d*) Liability to local rate of not less than Re. 1 per annum.

(*e*) Assessment to Income Tax.

(*f*) Having passed the examination for Matriculation or for the School-leaving Certificate, or an examination accepted by the Local Government as the equivalent thereof.

(*g*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's Regular Forces.

(*h*) *Scheduled Castes.*—Necessity for any special franchise to bring the scheduled caste electorate up to 2 per cent. of the population is under investigation.

2. *Franchise for Special Constituencies.*

Labour.—The question of the method of election and the franchise is under consideration.

IX.—North-West Frontier Province.

Qualifications of Electors.

(*a*) Ownership of immovable property, not being land assessed to land revenue, but including any building on such land, value Rs. 600 or over.

(*b*) Tenancy of immovable property of annual rental value of not less than Rs. 48.

(*c*) Payment of rate, cess, or tax to a District Board of not less than Rs. 4 per annum.

(*d*) Assessment to any direct municipal or cantonment tax of not less than Rs. 50.

(*e*) Income of Rs. 40 per mensem or over.

(*f*) Ownership, or occupancy as occupancy tenant or tenant or lessee under a written lease for a period of not less than three years, of land assessed to land revenue of Rs. 10 per annum or over.

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

(*g*) Being an assignee of land revenue of not less than Rs. 20 per annum.

(*h*) Assessment to income tax.

(*i*) Having passed the examination for Matriculation or the School—leaving Certificate, or any examination accepted by the Local Government as the equivalent thereof.

(*j*) Being a zaildar, inamdar, village headman or chief headman in the constituency.

(*k*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces.

X.—DELHI.

XI.—AJMER-MERWARA.

XII.—COORG.

XIII.—BRITISH BALUCHISTAN.

The electoral arrangements in respect of the seats allotted to these four provinces in the Federal House of Assembly are still under consideration.†

XIV.—FRANCHISE FOR NON-PROVINCIAL SPECIAL CONSTITUENCIES IN THE FEDERAL LEGISLATURE.

(a) *Commerce*—

1. Associated Chambers of Commerce of India.
2. Federation of Indian Chambers of Commerce.
3. Northern India Commercial Bodies.

(b) *Labour*—

1. All India Trades Union Federation.

The method of election to all the seats specified above is under consideration.

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† It may be found necessary to resort to nomination in the case of British Baluchistan.

APPENDIX V.

PART I.

Franchise for the Provincial Legislative Assemblies.†

I.—Madras.
II.—Bombay.
III.—Bengal.
IV.—United Provinces.
V.—Punjab.
VI.—Bihar and Orissa.
VII.—Central Provinces with Berar.‡
VIII.—Assam.
IX.—North-West Frontier Province.
X.—Coorg.

I.—MADRAS.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Payment of tax under the Madras Motor Vehicles Taxation Act for the whole official year immediately before the electoral roll is prepared or revised; or

(*b*) Being a registered landholder, inamdar, ryotwari pattadar, or occupancy ryot under the Madras Estates Land Act; or

(*c*) Assessment to ground-rent payable to Government; or

(*d*) Payment of property tax for the two half-years immediately prior to the preparation or revision of the roll under the Madras City Municipality Act or the Madras District Municipalities Act or the Madras Local Boards Act; or

(*e*) Payment of profession tax for the two half-years immediately prior to the preparation or revision of the roll under the Madras City Municipality Act or the Madras District Municipalities Act; or

(*f*) Being during the whole of the previous *fasli* a kanamdar or kuzhikanamdar or the holder of a kudiyiruppu or a verampatamdar having fixity of tenure, each of these terms bearing the meaning defined in the Malabar Tenancy Act, 1929; or

(*g*) Being for the whole of the *fasli* immediately preceding the preparation or revision of the electoral roll a mortgagee with possession, lessee or tenant of immovable property (other than a house property) of an annual value of Rs. 100 in Madras City or a municipality and Rs. 50 elsewhere in the Presidency; or

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 6 of Introductory Note to Appendices IV and V.

‡See Introduction, paragraph 45.

(*h*) Being a guardian of a minor possessing one of the above property qualifications; or

(*i*) Occupying during the whole of the previous year as sole tenant house property on which property tax or house tax has been duly paid for the year; or

(*j*) Being a registered joint landholder, inamdar, pattadar, or occupancy ryot entitled to an additional vote on an application signed by a majority of the registered joint-holders, votes being allowed to joint holders on the following scale:

for landholders and holders of whole inam villages of Rs. 1,000 and above annual rental—one vote for every complete Rs. 500 of annual rental, and for joint holders of minor inams, ryotwari pattas and estate pattas of Rs. 100 and over—one vote for every complete Rs. 50 of assessment, rent or kist.

The additional votes will be given only to persons included among the registered joint holders, and the registration should have been made not later than the *fasli* previous to the one in which the rolls are under preparation or revision.

(*k*) Assessment to income tax;

(*l*) Literacy (*i.e.*, ability to read and write in any language) certified by village officers in certificates to be countersigned by the Tahsildars, or alternatively, the holding of the Elementary School Certificate issued by the headmaster of a school recognised by the Government;

(*m*) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification, in addition to the husband himself, but a woman who is once placed on the roll in respect of a husband's property to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(*n*) Being a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces.

(*o*) *Scheduled Castes.*—If on the preparation of the electoral roll the electorate of the Scheduled Castes does not amount to approximately 10 per cent. of their population, special qualifications will be prescribed in order to make up the deficiency.

2 *Franchise for Special Constituencies.*

(*a*) *Landholders.*†—Being a zamindar, janmi, or malikanadar who—

(i) Possesses an annual income of not less than Rs. 3,000 derived from an estate within the Presidency of Madras.

(ii) Is registered as the janmi of land situated within the Presidency of Madras, and assessed at not less than Rs. 1,500.

(iii) Receives from Government a malikana allowance of not less than Rs. 3,000 per annum.

(*b*) *University.*†—Being a member of the Senate or an Honorary Fellow, or a graduate of over seven years' standing of the University of Madras.

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†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

(c) *Planters.*†—Being a member of one of the associations affiliated to the United Planters' Association of Southern India.

(d) *Madras Chamber of Commerce and Industry.*†—Being a member of the Madras Chamber of Commerce or of a Chamber affiliated to it.

(e) *Other Commerce Constituencies.*†—Members of the Madras Trades Association, the Southern India Chamber of Commerce and the Nattukottai Nagarathars' Association are qualified respectively as electors for the constituency comprising the Chamber or Association of which they are members.

(f) *Labour.*—The question of the franchise for these constituencies is under consideration.

II.—BOMBAY.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(a) Payment of land revenue of Rs. 8 and over.

(b) Payment of house rent of Rs. 60 in Bombay City, Rs. 30 in Karachi, and Rs. 18 in other urban areas.

(c) Assessment to income tax.

(d) Being a Hari in Sind.

(e) Having passed an examination for Matriculation or the School-leaving Certificate, on an examination accepted by the Local Government as the equivalent thereof.

(f) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of a husband's property qualification, to continue on the roll during widowhood or until re-marriage, when she will cease to be qualified in respect of her late husband.

(g) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier, of His Majesty's regular forces.

(h) *Scheduled Castes.*—In the case of the Scheduled Castes literacy and being a village servant are proposed as differential qualifications. If on the preparation of the electoral roll the electorate of the scheduled castes does not come up to 10 per cent. of their population, a reduced property qualification sufficient to make up the deficiency will be prescribed for them in addition.

2. *Franchise for Special Constituencies.*

(a) *Landholders*†—

(i) *For the Deccan Sardars and Inamdars Constituency.*—Being a person entered in the list for the time being in force under Bombay Government Political Department, Resolution No. 2363, dated 23rd July, 1867, *or* being the sole

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situate within the constituency.

(ii) *For the Gujarat Sardars and Inamdars Constituency.*—Being a person entered in the list for the time being in force under Bombay Political Department, Resolution No. 6265, dated 21st September, 1909, or being the sole alienee of the right of Government to rent or land revenue in respect of an entire village situate within the constituency, *or* being the sole holder on Talukdari tenure of such a village.

(iii) *For the (Sindi) Jagirdars and Zamindars Constituency.*—Being a jagirdar of the first or second class in Sind, *or* having in each of the three revenue years preceding the publication of the electoral roll, paid not less than Rs. 1,000 land revenue on land in Sind.

(*b*) *University of Bombay.*†—Being a member of the Senate, or an Honorary Fellow, or a graduate of seven years' standing, of the University of Bombay.

(*c*) *Commerce and Industry.*†—Being entered on the list of members for the time being in force of the association forming such constituency, *or* being entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm or company or corporation entered in such list of members.

(*d*) *Labour.*—The question of the franchise for these constituencies is under consideration.

III.—Bengal.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Payment of not less than 6 annas chaukidari tax or 6 annas Union Board rate, or 8 annas cess or 8 annas Municipal tax or fee.

(*b*) Having passed the examination for the Matriculation or the School-leaving certificate or an examination accepted by the Local Government as the equivalent thereof.

(*c*) Assessment to income tax.

(*d*) Being the wife of a person possessing the property qualification at present entitling to a vote for the Provincial Legislative Council. One elector only, in addition to the husband himself, to be enfranchised under the husband's property qualification, but a woman once placed on the roll in respect of that qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(*e*) Being a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

2. *Franchise for Special Constituencies.*

(*a*) *Landholders*†—

(i) In the Burdwan Landholders' and the Presidency Landholders' constituency area, payment of land revenue of not less than Rs. 4,500, or road and public work cesses of not less than Rs. 1,125, in respect of estates held in own right.

(ii) In the Dacca Landholders', Rajshahi Landholders' and Chittagong Landholders' constituency area, payment of land revenue of not less than Rs. 3,000, or road and public work cesses of not less than Rs. 750, in respect of estates held as, or direct from, a proprietor.

(*b*) *Calcutta University.*†—Being a member of the Senate or an Honorary Fellow, or a graduate of not less than seven years' standing, of the University.

(*c*) *Dacca University*†—

(i) Being resident in Bengal and a member of the Court or a registered graduate.

(ii) Being a resident in the Dacca or Chittagong Divisions, who would be qualified to be registered as a graduate of the University if he had not, before the 1st April, 1920, been registered as a graduate of any other Indian University.

(*d*) *Commerce and Industry*†—

(i) Chamber members of the Bengal Chamber of Commerce and permanent members of the Indian Jute Mills Association, of the Indian Tea Association, and the Indian Mining Association, with a place of residence in India, are qualified respectively as electors for the constituency comprising the Chamber or Association of which they are such members.

(ii) Members of the Calcutta Trades Association, life and ordinary members of the Bengal National Chamber of Commerce and the Bengal Mahajan Sabha, life, ordinary and Mofussil members of the Marwari Association, Calcutta, with a place of residence in India, are qualified respectively as electors for the constituency comprising the Association, Chamber, or Sabha of which they are such members.

(*e*) *Labour.*—The question of the franchise for these constituencies is under consideration.

IV.—United Provinces.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Payment of land revenue of not less than Rs. 5.
(*b*) Payment of rent of not less than Rs. 10 in rural areas.
(*c*) Payment of rent of not less than Rs. 24 in urban areas.
(*d*) Assessment to income tax.

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*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional

(e) Having passed the Upper Primary Examination, or an examination accepted by the Local Government as the equivalent thereof.

(f) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman once placed on the roll in respect of a husband's property qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(g) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier, of His Majesty's regular forces.

2. *Franchise for Special Constituencies.*

(a) *Landholders*†—

(i) *Taluqdars Constituency.*—Ordinary membership of British Indian Association of Oudh.

(ii) *Agra Landholders' Constituencies.*—Ownership of land in the Constituency assessed to land revenue of not less than Rs. 5,000.

(b) *Commerce and Industry.*†—Persons being ordinary full members of the Upper India Chamber of Commerce or of the United Provinces Chamber of Commerce with a place of business within the United Provinces, *or* being entitled to exercise the rights and privileges of such membership on behalf of and in the name of any firm, company, or other corporation, are qualified as electors for the constituencies comprising their respective Chambers.

(c) *Allahabad University*†—

(i) Residence in India and Membership of the Court of the Executive Council or Academic Council of the University.

(ii) Residence in the United Provinces, and being a graduate of not less than seven years' standing, a Doctor or a Master.

(d) *Labour.*—The question of the franchise for these constituencies is under consideration.

V.—PUNJAB.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(a) Payment of land revenue of Rs. 5 and upwards.

(b) Tenancy of 6 acres irrigated or 12 acres unirrigated land.

(c) Being a zaildar, inamdar, sufedposh, or lambardar in the constituency.

(d) Payment of house rent of Rs. 5 or over in towns.

(e) Assessment to municipal or cantonment tax of not less than Rs. 50.

(f) Payment of Haisiyat tax at its minimum rate of Rs. 2; or in districts in which no such tax exists, of any other direct tax imposed under the Punjab District Board Tax, and not below Rs. 2.

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

(*g*) Assessment to income tax.

(*h*) Having passed the primary educational standard or a standard accepted by the Local Government as the equivalent thereof.

(*i*) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of her husband's property qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(*j*) Being a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

(*k*) *Scheduled Castes.*—If, on the preparation of the electoral roll, the electorate of the scheduled castes does not come up to 10 per cent. of their population, the local government propose to meet the deficiency by the following differential franchise:—

(i) Mere literacy.

(ii) Ownership of immovable property not being land assessed to land revenue, or of malba of a house of the value of not less than Rs. 50.

2. *Franchise for Special Constituencies.*

(*a*) *Landholders*†—

(i) *Baloch Tumandars Constituency.*—Being a Tumandar recognised by the Government or a person performing the duties of a Tumandar with the sanction of the Government.

(ii) *Other Landholders' Constituencies*—

Ownership of land assessed to land revenue of not less than Rs. 500 per annum; *or*

Being the Assignee of land revenue of not less than Rs. 500 per annum.

(*b*) *University.*†—Being a Fellow or Honorary Fellow or graduate of not less than seven years' standing of the Punjab University, resident in the Punjab.

(*c*) *Commerce.*†‡—Being a member of the Punjab Chamber of Commerce or of the Punjab Trades Association having a place of business, or working for gain, in the Punjab.

(*d*) *Labour.*—The question of the franchise for these constituencies is under consideration.

VI.—Bihar and Orissa.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Save in the districts referred to in (*b*), (*c*) and (*d*) below:—

(i) In *rural areas* payment of Chaukidari tax at the minimum rate of 6 annas per annum, and

(ii) In *urban areas* of a corresponding rate of municipal tax (Rs. 1/8/0).

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

‡The previously existing Industry constituency was not retained in the Communal Decision, and the franchise for it is accordingly omitted.

(*b*) In the districts of Sambalpur and Santal Parganas, where chaukidari tax is not levied, the following qualifications:—

(i) *Sambalpur.*—Annual payment of not less than 1 rupee as rent or 9 pies as local cess.

(ii) *Santal Parganas.*—Status of resident jamabandi raiyat, paying annually not less than Rs. 2 as rent or 1 anna as local cess.

(*c*) *Khondmals Sub-division.*—Under consideration.

(*d*) *Jamshedpur City.*—A special franchise for this area is under investigation.

(*e*) Assessment to income tax.

(*f*) Having passed the examination for Matriculation or the School-leaving certificate or an examination accepted by the Local Government as the equivalent thereof.

(*g*) Being the wife of a person possessing the property qualifications entitling to a vote for the future Federal House of Assembly. One elector only to be enfranchised under the husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of her husband's property qualification, to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(*h*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces.

2. *Franchise for Special Constituencies.*

(*a*) *Landholders.*†—Liability to payment of not less than Rs. 4,000 land-revenue or Rs. 1,000 local cess in the Patna Division, Tirhut Division, and Bhagalpur Division Landholders' Constituencies, or of Rs. 6,000 land-revenue or Rs. 500 local cess in the Orissa Division and Chota Nagpur Division Landholders' Constituencies.

(*b*) *Patna University.*†—Being a member of the Senate or of the Syndicate or a registered graduate of the University, with a place of residence in Bihar and Orissa.

(*c*) *Planting.*†—Membership of the Bihar Planters' Association, Limited, entitled to vote as such, and for the time being resident in India.

(*d*) *Mining.* †—Membership of the Indian Mining Association and of the Indian Mining Federation entitles to a vote for the Association or the Federation Constituency respectively, provided that a person who is a member of both bodies shall be qualified as an elector for such one only as he may elect.

(*e*) *Labour.*—The question of the franchise for these constituencies is under consideration.

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†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

VII.—CENTRAL PROVINCES WITH BERAR.§§

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) *Rural Areas.*—Payment of Rs. 2 rent or revenue.

(*b*) *Urban Areas.*—Occupation of a house with a rental of Rs. 6 or the possession of an equivalent Haisiyat.

(*c*) Assessment to income tax.

(*d*) Being a Watandar Patel or a Watandar Patwari holding office, or a registered Deshmukh or Deshpande, or a Lambardar.

(*e*) Having passed the Matriculation examination, or an examination accepted by the Local Government as the equivalent thereof.

(*f*) Being the wife of a male voter with a rural property qualification of payment of Rs. 35 rent or revenue or over or occupying a house of rental value of Rs. 36 or over in an urban area. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of her husband's property qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

(*g*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces.

(*h*) Being a village servant (applicable in the case of the Scheduled Castes only).

2. *Franchise for Special Constituencies.*

(*a*) *Landholders.*†—Holding of agricultural land in the constituency in proprietary right and being:—

(i) Holder of a hereditary title recognised by Government; or

(ii) In the Central Provinces, owner of an estate as defined in § 2 (3) of the Central Provinces Land Revenue Act, 1917; or

(iii) In the Central Provinces, holder in proprietary right of land of which the land revenue or kamiljama is not less than Rs. 3,000 per annum.

(iv) In Berar,§§ a Jagirdar, Palampatadar, Izaradar, Inamdar, or a registered Deshmukh or Deshpande, holding in other than tenancy right land assessed or assessable to land revenue of not less than Rs. 500.

(v) In Berar,§§ a holder of land in other than tenancy right assessed or assessable to land revenue of not less than Rs. 1,000.

(*b*) *Nagpur University.*†—Being a registered graduate of the University resident in the Central Provinces or Berar.§§

*Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

†See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

§§ See Introduction, paragraph 45.

(c) *Commerce and Industry.*†‡

(i) Ownership of a factory situated in the Central Provinces or Berar§§ and subject to the provisions of the Indian Factories Act, 1911, or in which not less than 200 persons are ordinarily employed, or a person appointed by the owner of such a factory to vote on his behalf.

(ii) A person appointed to vote by any company having a place of business in the Central Provinces or Berar,§§ and having a paid-up capital of not less than Rs. 25,000.

(d) *Labour.*—The question of the franchise for these constituencies is under consideration.

VIII.—Assam.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(a) Payment of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 2, or, in the case of Sylhet municipality, of not less than Rs. 1/8/0;

(b) Tax of not less than 1 rupee in a small town under Chapter XII of the Assam Municipal Act I of 1923;

(c) In the case of constituencies in the districts of Sylhet, Cachar and Goalpara, chaukidari tax of not less than 8 annas under the Village Chaukidari Act, 1873;

(d) In the case of any constituency other than those referred to in (c)—

(i) payment of land revenue, on periodic or annual lease, of not less than Rs. 7/8/0; or

(ii) payment of local rate of not less than 8 annas; or

(iii) in the districts of Lakhimpur, Sibsagar, Darrang, Nowgong, Kamrup, and in the plains mouzas of the Garo Hills and of the Mikir Hills, payment of rent to a landlord of not less than Rs. 7/8/0;

(e) Assessment to income tax;

(f) Successful completion of the educational course immediately below the old Upper Primary stage, or its equivalent;

(g) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of her husband's property qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

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* Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

† See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

‡The existing Mining seat has not been retained in the Communal Decision; the franchise for it is accordingly omitted.

§§ See Introduction, paragraph 45.

(*h*) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces.

2. *Franchise for Special Constituencies.*

(*a*) *Planting.*†—Being the superintendent or manager of, or an Engineer or medical officer employed on, a tea estate in the Assam or the Surma Valley, as the case may be.

(*b*) *Commerce and Industry*†—

(i) Being the owner of a factory, other than a tea factory, situated in Assam and subject to the provisions of the Indian Factories Act, 1911, or a person appointed by the owner of such a factory to vote on his behalf, *or*

(ii) Being a person appointed to vote by any company other than a company principally engaged in the tea industry, having a place of business in Assam and a paid-up capital of not less than Rs. 25,000.

(*c*) *Labour.*—The question of the franchise for these constituencies is under consideration.

IX.—North-West Frontier Province.

1. *Qualifications* of Electors in Constituencies other than Special Constituencies.*

(*a*) Payment of land revenue of Rs. 5 and upwards;

(*b*) Tenancy of 6 acres irrigated or 12 acres unirrigated;

(*c*) Payment of house rent of Rs. 4 and upwards in towns;

(*d*) Being a zaildar, inamdar, sufedposh, or lambardar in the constituency;

(*e*) Assessment to municipal or cantonment tax of not less than Rs. 50.

(*f*) Payment of Haisiyat tax or District Board tax of not less than Rs. 2.

(*g*) Assessment to income tax.

(*h*) In urban areas the passing of the Middle School Examination; in rural areas of the Upper Primary Standard; or of an examination accepted by the Local Government as the equivalent of either.

(*i*) Being the wife of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislative Council. One elector only to be enfranchised under a husband's property qualification in addition to the husband himself, but a woman who is once placed on the roll in respect of her husband's property qualification to continue on the roll during widowhood or until remarriage, when she will cease to be qualified in respect of her late husband.

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* Other than those referred to in paragraph 2 of the Introductory Note to Appendices IV and V.

† See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

(j) Being a retired, pensioned, or discharged officer, non-commissioned officer, or soldier of His Majesty's regular Forces.

2. *Franchise for Special Constituencies.*

Landholders.† Being—

(i) Owner of land assessed to land revenue of not less than Rs. 250 per annum.

(ii) Assignee of land revenue of not less than Rs. 250 per annum.

(iii) The recipient of a muajib, inam, barat or pension sanctioned by orders passed in settlement operations amounting to not less than Rs. 250 per annum.

X.—COORG.

The question of the franchise for the Provincial Legislature is under consideration.

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† See paragraph 7 of Introductory Note to Appendices IV and V. The qualifications shown are the existing qualifications, but, pending closer investigation at the stage of the general delimitation of constituencies, they should be regarded as provisional.

APPENDIX V.

PART II.

Franchise for the Upper House of the Provincial Legislature in Bengal, the United Provinces and Bihar.

1. In so far as the seats in the Upper House in the three Provinces in question are to be filled by Proportional Representation (as in Bengal and Bihar) or by nomination (as in all three Provinces) no question of franchise arises.

2. The franchise for the seats to be filled by direct election is under examination and detailed proposals cannot yet be made. It is, however, intended that the franchise shall be based on high property qualifications somewhat lower than those for the existing Council of State, combined with a qualification based on service in certain distinguished public offices, such as High Court Judge, Minister, Member of an Executive Council, Vice-Chancellor of a University, &c.

APPENDIX VI.

(See Proposals, paragraphs 111, 112 and 114.)

LIST I—(*Exclusively Federal.*)

1. The common defence of India in time of an emergency declared by the Governor General.

2. The raising, maintaining, disciplining and regulating of His Majesty's naval, military and air forces in India and any other armed force raised in India, other than military and armed police maintained by local governments, and armed forces maintained by the Rulers of Indian States.

3. Naval, Military and Air Works.

4. The administration of cantonment areas by organs of local self-government, and the regulation therein of residential accommodation.

5. The employment of the armed forces of His Majesty for the defence of the Provinces against internal disturbance and for the execution and maintenance of the laws of the Federation and the Provinces.

6. (*a*) Chiefs' Colleges and Educational Institutions for the benefit of past and present members of His Majesty's Forces or of the children of such members.

(*b*) The Benares Hindu University and the Aligarh Muslim University

7. Ecclesiastical affairs including European cemeteries.

8. External Affairs, including International Obligations, subject to previous concurrence of the Units as regards non-federal subjects.

9. Emigration from and immigration into India and inter-provincial migration, including regulation of foreigners in India.

10. Pilgrimages beyond India.

11. Extradition and Fugitive Offenders.

12. (*a*) Construction of Railways in British India and with the consent of the State, in a State, but excluding light and feeder railways and extra-municipal tramways being wholly within a Province, but not being in physical connection with federal railways.

(*b*) Regulation of railways in British India and Federal railways in States.

(*c*) Regulation of other railways in respect of

(i) Fares.

(ii) Rates.

(iii) Terminals.

(iv) Interchangeability of traffic.

(v) Safety.

13. Air Navigation and Aircraft including the regulation of Aerodromes.

14. Inland Waterways, passing through two or more Units.

15. Maritime Shipping and Navigation including carriage of goods by sea.

16. Regulation of fisheries in Indian waters beyond territorial waters.

17. Shipping and Navigation on Inland Waterways as regards mechanically propelled vessels.

18. Lighthouses (including their approaches), beacons, lightships and buoys.

19. Port Quarantine.

20. Ports declared to be Major Ports by or under Federal legislation.

21. Establishment and maintenance of postal, telegraphic, telephone, wireless and other like services, and control of wireless apparatus.

22. Currency, Coinage and Legal Tender.

23. Public Debt of the Federation.

24. Post Office Savings Bank.

25. The incorporation and regulation of Banking, Insurance, Trading, Financial and other Companies and Corporations.

26. Development of Industries in cases where such development is declared by or under a federal law to be expedient in the public interest.

27. Control of cultivation and manufacture of opium and sale of opium for export.

28. Control of petroleum and explosives.

29. Traffic in arms and ammunition and, in British India, control of arms and ammunition.

30. Copyright, Inventions, Designs, Trademarks and Merchandise Marks.

31. Bankruptcy and Insolvency.

32. Negotiable instruments.

33. Control of motor vehicles as regards licences valid throughout the Federation.

34. The regulation of the import and export of commodities across the customs frontiers of the Federation including the imposition and administration of duties thereon.

35. Salt.

36. The imposition and regulation of duties of excise but not including duties of excise on alcoholic liquors, drugs or narcotics (other than tobacco).

37. Imposition and administration of taxes on the income or capital of corporations.

38. Geological Survey of India.

39. Botanical Survey of India.

40. Meteorology.

41. Census ; Statistics for the purposes of the Federation.

42. Central Agencies and Institutes for research.

43. The Imperial Library, Indian Museum, Imperial War Museum, Victoria Memorial, and any other similar Institution controlled and financed by the Federal Government.

44. Pensions payable out of Federal revenues.

45. Federal Services and Federal Public Service Commission.

46. Immovable property in possession of the Federal Government.

47. The imposition by legislation of punishment by fine, penalty or imprisonment for enforcing any law made by the Federal Legislature.

48. Matters in respect of which the Act makes provision until the Federal Legislature otherwise provides.

49. Imposition and administration of taxes on income other than agricultural income or income of corporation but subject to the power of the Provinces to impose surcharges.

50. The imposition and administration of duties on property passing on death other than land.

51. The imposition and administration of taxes on mineral rights and on personal capital other than land.

52. The imposition and administration of terminal taxes on railway, water or air-borne goods and passengers, and taxes on railway tickets and goods freights.

53. Stamp duties which are the subject of legislation by the Indian Legislature at the date of Federation.

54. The imposition and administration of taxes not otherwise specified in this List or List II, subject to the consent of the Governor-General, given in his discretion after consulting Federal and Provincial Ministers or their representatives.

55. Naturalisation and status of aliens.

56. Conduct of elections to the Federal Legislature, including election offences and disputed elections.

57. Standards of weight.

58. All matters arising in Chief Commissioners' Provinces (other than British Baluchistan) not having a legislature.

59. Survey of India.

60. Archæology.

61. Zoological Survey.

62. The recognition throughout British India of the laws, the public Acts and records and judicial proceedings of the Provinces.

63. Jurisdiction, powers, and authority of all courts in British India, except the Federal Court and the Supreme Court with respect to the subjects in this list.

64. Matters ancillary and incidental to the subjects specified above.

LIST II—(*Exclusively Provincial*).

1. Local self-government, including matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlements and other local authorities in the Province established for the purpose of local self-government and village administration, but not including matters covered by item No. 4 in List I.

2. Establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the Province (other than marine hospitals).

3. Public health and sanitation.

4. Pilgrimages other than pilgrimages beyond India.

5. Education, other than the Universities and institutions covered by item No. 6 in List I.

6. Public Works and buildings in connection with the administration of the Province.

7. Compulsory acquisition of land.

8. Roads, bridges, ferries, tunnels, ropeways, causeways and other means of communication.

9. Construction (query-regulation) and maintenance of light and feeder railways and extra-municipal tramways not being in physical connection with federal railways.

10. Tramways within municipal areas.

11. Water supplies, irrigation and canals, drainage and embankments, water storage and water power.

12. Land Revenue including—

(*a*) assessment and collection of revenue,

(*b*) maintenance of land records, survey for revenue purposes and records of rights.

13. Land tenures, title to land, and easements.

14. Relations of landlords and tenants and collection of rents.

15. Courts of Wards and encumbered and attached estates.

16. Land improvement and agricultural loans.

17. Colonisation, management and disposal of lands and buildings vested in the Crown for the purposes of the Province.

18. Alienation of land revenue and pensions payable out of Provincial revenues (query-frontier remissions).

19. Pre-emption.

20. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, agricultural education, protection against destructive pests and prevention of plant diseases.

21. Civil veterinary department, veterinary training, improvement of stock and prevention of animal diseases.

22. Fisheries.

23. Co-operative Societies.

24. Trading, literary, scientific, religious and other Societies and Associations not being incorporated Companies.

25. Forests.

26. Control of production, manufacture, possession, transport, purchase and sale of alcoholic liquors, drugs and narcotics.

27. Imposition and regulation of duties of excise on alcoholic liquors, drugs and narcotics other than tobacco.

28. Administration of justice, including the constitution and organisation of all Courts within the Province, except the Federal Court, the Supreme Court and a High Court, and the maintenance of all Courts within the Province except the Federal Court and the Supreme Court.

29. Jurisdiction of and procedure in Rent and Revenue Courts.

30. Jurisdiction, powers, and authority of all Courts within the Province, except the Federal Court and the Supreme Court, with respect to subjects in this list.

31. Administrators-General and Official Trustees.

32. Stamp duties not covered by item No. 53 in List I.

33. Registration of deeds and documents other than the compulsory registration of documents affecting immovable property.

34. Registration of births and deaths.

35. Religious and charitable endowments.

36. Mines and the development of mineral resources in the Province, but not including the regulation of the working of mines.

37. Control of the production, supply and distribution of commodities.

38. Development of industries, except in so far as they are covered by Item No. 26 in List I.

39. Factories, except the regulation of the working of factories.

40. Electricity.

41. Boilers.

42. Gas.

43. Smoke nuisances.

44. Adulteration of foodstuffs and other articles.

45. Weights and measures, except standards of weight.

46. Trade and Commerce within the Province, except in so far as it is covered by any other subject in these lists.

47. Actionable wrongs arising in the Province.

48. Ports other than Ports declared to be Major Ports by or under a federal law.

49. Inland waterways being wholly within a Province, including shipping and navigation thereon, except as regards mechanically-propelled vessels.

50. Police (including railway and village police), except as regards matters covered by the Code of Criminal Procedure.

51. Betting and gambling.

52. Prevention of cruelty to animals.

53. Protection of wild birds and wild animals.

54. Regulation of motor vehicles, except as regards licences valid throughout the Federation.

55. Regulation of dramatic performances and cinemas.

56. Coroners.

57. Criminal tribes.

58. European vagrancy.

59. Prisons, Reformatories, Borstal Institution and other institutions of a like nature.

60. Prisoners.

61. Pounds and the prevention of cattle trespass.

62. Treasure trove.

63. Libraries (except the Imperial Library), Museums (except the Indian Museum, the Imperial War Museum and the Victoria Memorial) and other similar institutions controlled and financed by the Provincial Government.

64. Conduct of elections to the Provincial Legislature, including election offences and disputed elections.

65. Public Services in a Province and Provincial Public Service Commission.

66. The authorisation of surcharges, within such limits as may be prescribed by Order in Council, upon income tax assessed by the Federal Government upon the income of persons resident in the Province.

67. The raising of provincial revenue --

(i) from sources and by forms of taxation specified in the Annexure appended to this list and not otherwise provided for by these lists ; and

(ii) by any otherwise unspecified forms of taxation, subject to the consent of the Governor-General given in his discretion after consulting the Federal Ministry and Provincial Ministries or their representatives.

68. Relief of the poor.

69. Health insurance and invalid and old-age pensions.

70. Money-lenders and money-lending.

71. Burials and burial grounds other than European Cemeteries.

72. Imposition by legislation of punishment by fine, penalty or imprisonment for enforcing any law made by the Provincial Legislature.

73. Matters with respect to which the Act makes provision until the Provincial Legislature otherwise provides.

74. The administration and execution of federal laws on the subjects specified in List III except No. 22.

75. Statistics for provincial purposes.

76. Generally any matter of a merely local or private nature in the Province not specifically included in the List and not falling within List I or List III, subject to the right of the Governor-General in his discretion to sanction general legislation on that subject.

77. Matters ancillary and incidental to the subjects specified in this list.

ANNEXURE.

(*Compare Appendix IV of Report of Federal Finance Committee.—Cmd. 4069.*)

1. Revenue from the public domain, including lands, buildings, mines, forests, fisheries, and any other real property belonging to the Province.

2. Revenue from public enterprises such as irrigation, electric power and water supply, markets, slaughter houses, drainage, tolls and ferries, and other undertakings of the Province.

3. Profits from banking and investments, loans and advances and State lotteries.

4. Fines and penalties arising in respect of subjects administered by the Government of the Province.

5. Fees levied in the course of discharging the functions exercised by the Government of the Province and local authorities, such as court fees, including all fees for judicial or quasi-judicial processes, local rates and dues, fees for the registration of vehicles, licences to possess fire-arms and to drive automobiles, licensing of common carriers, fees for the registration of births, deaths and marriages, and of documents.

6. Capitation taxes other than taxes on immigrants.

7. Taxes on land, including death or succession duties in respect of succession to land.

8. Taxes on personal property and circumstance, such as taxes on houses, animals, hearths, windows, vehicles; chaukidari taxes; sumptuary taxes; and taxes on trades, professions and callings.

9. Taxes on employment, such as taxes on menials and domestic servants.

10. Excises on alcoholic liquors, narcotics (other than tobacco) and drugs and taxes on consumption not otherwise provided for, such as cesses on the entry of goods into a local area, taxes on the sale of commodities and on turnover, and taxes on advertisements.

11. Taxes on agricultural incomes.

12. Stamp duties other than those provided for in List I.

13. Taxes on entertainments and amusements, betting, gambling and private lotteries.

14. Any other receipts accruing in respect of subjects administered by the Province.

LIST III—(*Concurrent*).

1. Jurisdiction, powers and authority of all Courts (except the Federal Court, the Supreme Court and Rent and Revenue Courts) with respect to the subjects in this List.

2. Civil Procedure, including the Law of Limitation and all matters now covered by the Indian Code of Civil Procedure.

3. Evidence and Oaths.

4. Marriage and Divorce.

5. Age of majority and custody and guardianship of infants.

6. Adoption.

7. Compulsory registration of documents affecting immovable property.

8. The law relating to—

(*a*) Wills, intestacy and succession, including all matters now covered by the Indian Succession Act.

(*b*) Transfer of property, trusts and trustees, contracts, including partnership, and all matters now covered by the Indian Specific Relief Act.

(*c*) Powers of attorney.

(*d*) Relations between husband and wife.

(*e*) Carriers.

(*f*) Innkeepers.

(*g*) Arbitration.

(*h*) Insurance.

9. Criminal Law including all matters now covered by the Indian Penal Code, but excluding the imposition of punishment by fine, penalty or imprisonment for enforcing a law on a subject which is within the exclusive competence of the Federal legislature or Provincial legislature.

10. Criminal Procedure including all matters now covered by the Indian Code of Criminal Procedure.

11. Control of newspapers, books and printing presses.

12. Lunacy, but not including Lunatic Asylums.

13. Regulation of the working of Mines but not including mineral development.

14. Regulation of the working of factories.

15. Employers' liability and Workmen's compensation.

16. Trade Unions.

17. Welfare of labour including provident funds and industrial insurance.

18. Settlement of labour disputes.

19. Poisons and dangerous drugs.

20. The recovery in a Province of public demands (including arrears of land revenue and sums recoverable as such) arising in another Province.

21. Regulation of medical and other professional qualifications.

22. Ancient and historical monuments including the administration thereof.

23. Matters ancillary and incidental to the subjects specified in this list.

NOTE.—The word 'now' in Nos. 2, 8, 9 and 10 is intended to refer to the date on which the list takes effect.

APPENDIX VII.

(*See Proposals, paragraphs 182 and 191*).

(PART I.)

List of principal existing rights of officers appointed by the Secretary of State in Council.

NOTE.—In the case of Sections the reference is to the Government of India Act, and in the case of Rules to Rules made under that Act.

1. Protection from dismissal by any authority subordinate to the appointing authority [Section 96 B (1)].
2. Right to be heard in defence before an order of dismissal, removal or reduction is passed (Classification Rule 55).
3. Guarantee to persons appointed before the commencement of the Government of India Act, 1919, of existing and accruing rights or compensation in lieu thereof [Section 96 B (2)].
4. Regulation of conditions of service, pay and allowances and discipline and conduct, by the Secretary of State in Council [Section 96 B (2)].
5. Power of the Secretary of State in Council to deal with any case in such manner as may appear to him to be just and equitable notwithstanding any rules made under Section 96 B [Section 96 B (5)].
6. Non-votability of salaries, pensions and payments on appeal [Sections 67 A (3) (iii) and (iv) and 72 D (3) (iv) and (v)].
7. The requirement that rules under Part VII-A of the Act shall only be made with the concurrence of the majority of votes of the Council of India (Section 96 E).
8. Regulation of the right to pensions and scale and conditions of pensions in accordance with the rules in force at the time of the passing of the Government of India Act, 1919 [Section 96 B (3)].
9.—(i) Reservation of certain posts to members of the Indian Civil Service (Section 98).

   (ii) Appointment of persons who are not members of the Indian Civil Service to offices reserved for members of that service only to be made subject to rules made by the Governor-General in Council with the approval of the Secretary of State in Council (Section 99), or in cases not covered by these rules to be provisional until approved by the Secretary of State in Council (Section 100).
10. Determination of strength (including number and character of posts) of All-India Services by the Secretary of State in Council, subject to temporary additions by the Governor-General in Council or local Government (Classification Rules 24 and 10).
11. Provision that posts borne on the cadre of All-India Services shall not be left unfilled for more than three months without the sanction of the Secretary of State in Council (Classification Rule 25).
12. Appointment of anyone who is not a member of an All-India Service to posts borne on the cadre of such a Service only to be made with the sanction of the Secretary of State in Council, save as provided by any law or by rule or orders made by the Secretary of State in Council (Classification Rule 27).

13. Sanction of the Secretary of State in Council to the modification of the cadre of a Central Service, Class I, which would adversely affect any officer appointed by the Secretary of State in Council, to any increase in the number of posts in a Provincial Service which would adversely affect any person who was a member of a corresponding All-India Service on 9th March, 1926, or to the creation of any Specialist post which would adversely affect any member of an All-India Service, the Indian Ecclesiastical Establishment, and the Indian Political Department.

(Provisos to Classification Rules 32, 40 and 42.)

14. Personal concurrence of the Governor required to any order affecting emoluments, or pension, any order of formal censure, or any order on a memorial to the disadvantage of an officer of an All-India Service (Devolution Rule 10).

15. Personal concurrence of the Governor required to an order of posting of an officer of an All-India Service (Devolution Rule 10).

16. Right of complaint to the Governor against any order of an official superior in a Governor's Province and direction to the Governor to examine the complaint and to take such action on it as may appear to him just and equitable [Section 96 B (1)].

17. Right of appeal to the Secretary of State in Council, (i) from any order passed by any authority in India, of censure, withholding of increments or promotion, reduction, recovery from pay of loss caused by negligence or breach of orders, suspension, removal or dismissal, or (ii) from any order altering or interpreting to his disadvantage any rule or contract regulating conditions of service, pay, allowances or pension made by the Secretary of State in Council, and (iii) from any order terminating employment otherwise than on reaching the age of superannuation (Classification Rules 56, 57 and 58).

18. Right of certain officers to retire under the regulations for premature retirement.

(PART II).

List of principal existing rights of persons appointed by authority other than the Secretary of State in Council.

NOTE.—In the case of Sections the reference is to the Government of India Act, and in the case of Rules to Rules made under that Act.

1. Protection from dismissal by any authority subordinate to the appointing authority [Section 96 B (1)].

2. Right to be heard in defence before an order of dismissal, removal or reduction is passed, subject to certain exceptions (Classification Rule 55).

3. Regulation of the strength and conditions of service of the Central Services, class I and class II, by the Governor-General in Council and of Provincial Services by local Government subject, in the case of the latter, to the provision that no reduction which adversely affects a person who was a member of the Service on the 9th March, 1926, should be made without the previous sanction of the Governor-General in Council (Classification Rules 32, 33, 36, 37, 40 and 41).

4. Personal concurrence of the Governor required to any order affecting emoluments or pension, an order of formal censure, or an order on a memorial to the disadvantage of an officer of a Provincial Service (Devolution Rule 10).

5. Right of appeal from any order of censure, withholding of increments or promotion, reduction, recovery from pay of loss caused by negligence or breach of orders, suspension, removal or dismissal, and any order altering or interpreting to his disadvantage a rule or contract regulating conditions of service, pay, allowances or pension, and in the case of subordinate services the right of one appeal against an order imposing a penalty (Classification Rules 56, 57, 58 and 54).

(PART III).

Non-votable salaries, etc. (Civil).

[*See Proposals, paragraphs 49, item (vi) and 98, item (v)*].

The salaries and pensions of the following classes of persons are non-votable :—

(*a*) Persons appointed by or with the approval of His Majesty, or by the Secretary of State in Council, before the commencement of the Constitution Act, or by a Secretary of State thereafter ;

(*b*) Persons appointed before the first day of April 1924 by the Governor-General in Council, or by a local Government, to services and posts classified as superior ;

(*c*) Holders in a substantive capacity of posts borne on the cadre of the I. C. S. ;

(*d*) Members of any Public Service Commission.

The following sums payable to such persons fall also under item (vi) of paragraph 49 and item (v) of paragraph 98, namely :—

Sums payable to, or to the dependents of, a person who is or has been in the service of the Crown in India under any order made by the Secretary of State in Council, by a Secretary of State, by the Governor-General in Council, by the Governor-General, or by a Governor upon an appeal preferred to him in pursuance of rules made under the Constitution Act.

For the purpose of the proposals in this Appendix the expression "salaries and pensions" will be defined as including remuneration, allowances, gratuity, contributions, whether by way of interest or otherwise, out of the revenues of the Federation to any Provident Fund or Family Pension Fund and any other payments or emoluments payable to, or on account of, a person in respect of his office.

APPENDIX VIII.

(*See paragraphs 21 and 50 of Introduction, and paragraph 4 of Introductory Note to Appendices IV and V.*)

SCHEDULED CASTES.

I.—MADRAS.

Race, Tribe or Caste.

1. Adi-Andhra.
2. Adi-Dravida.
3. Adi-Karnataka.
4. Ajila.
5. Aranadan (also *P. T.).
6. Arunthuthiyar.
7. Baira.
8. Bakuda.
9. Bandi.
10. Bariki.
11. Battada.
12. Bavuri.
13. Bellara.
14. Byagari.
15. Chachati.
16. Chakkiliyan.
17. Chalavadi.
18. Chamar.
19. Chandala.
20. Cheruman.
21. Dandasi.
22. Devendrakulathan.
23. Dombo (also *P. T.).
24. Ghasi.
25. Godagali.
26. Godari.
27. Godda.
28. Gosangi.
29. Haddi.
30. Hasla.
31. Holeya.
32. Jaggali.
33. Jambuvulu.
34. Kadan (also *P. T.).
35. Kalladi.
36. Kanakkan.
37. Karimpalan (also *P. T.)
38. Kattunayakan (also *P. T.).
39. Kodalo.
40. Koosa.
41. Koraga.
42. Kudiya (also *P. T.).
43. Kudubi (also *P. T.).
44. Kudumban.
45. Kuravan.
46. Kurichchan (also *P. T.
47. Kuruman (also *P. T.).
48. Madari.
49. Madiga.
50. Maila.
51. Mala.
52. Mala Dasu.
53. Malasar (also *P. T.).
54. Matangi.
55. Mavilan (also *P.T.).
56. Moger.
57. Muchi.
58. Mundala.
59. Nalakeyava.
60. Nayadi.
61. Pagadai.
62. Paidi.
63. Painda.
64. Paky.
65. Pallan.
66. Pambada.
67. Pamidi.
68. Panchama.
69. Paniyan.
70. Panniandi.
71. Pano (also *P. T.).
72. Paraiyan.
73. Paravan.
74. Pulayan.
75. Puthirai Vannan.
76. Raneyar.
77. Relli.
78. Samagara.
79. Samban.
80. Sapari.
81. Semman.
82. Thoti.
83. Tiruvalluvar.
84. Valluvan.
85. Valmiki.
86. Vettuvan.

*P. T. = Primitive Tribe.

II.—Bombay.

1. Asodi.
2. Bakads.
3. Bhambi.
4. Bhangis.
5. Chakrawadya-Dasar.
6. Chambhar or Mochigar.
7. Chelwadi.
8. Chena-Dasaru.
9. Chuhar (Chuhra).
10. Dakleru.
11. Dhed.
12. Dhegu-Megu.
13. Dhors or Tanners.
14. Garoda.
15. Halleers.
16. Halsar (Haslars) Halsavars.
17. Holiya.
18. Khalpas.
19. Koli Dhor.
20. Kolghas or Kolchas.
21. Kotegar (North Kanara only).
22. Lingaders.
23. Mahar or Mhar.
24. Mang and Madig.
25. Mang Garudi.
26. Meghwal or Menghwar.
27. Mini-Madig.
28. Mukris.
29. Nadias.
30. Samagars.
31. Shindawa or Shenwas.
32. Shingdav.
33. Sochi or (Mochi except Gujerat where they are touchables).
34. Timalis.
35. Turis or Drummers.
36. Vitholia.
37. Wankars.

III.—Bengal.§

Agariya.
Bagdi.
Bahelia.
Baiti.
Bauri.
Bediya.
Beldar.
Berua.
Bhatiya.
Bhuimali.
Bhuiya.
Bhumij.
Bind.
Binjhia.
Chamar.
Dhenuar.
Dhoba.
Doai.
Dom.
Dosad.
Garo.
Ghasi.
Gonrhi.
Hadi.
Hajang.
Halalkhor.
Hari.
Ho.
Jalia Kaibartta.
Jhalo Malo or Malo.
Kadar.
Khaira.
Kalwar.
Kan.
Kandh.
Kandra.
Kaora.
Kapali.
Kapuria.
Karenga.
Kastha.
Kaur.
Khandait.
Khatik.
Kichak.
Koch.
Konai.
Konwar.
Kora.
Kotal.
Lalbegi.
Lodha.
Lohar.
Mahar.
Mahli.
Mal.
Mallah.
Malpahariya.
Mech.
Mehtor.
Muchi.
Munda.
Musahar.
Nagar.
Nagesia.
Naiya.
Namasudra.
Nath.
Nuniya.
Oraon.
Paliya.
Pan.
Pasi.
Patni.
Pod.
Pundari.
Rabha.
Rajbanshi.
Raju.
Rajwar.
Santal.
Shagirdpesha.
Sukli.
Sunri.
Tiyar.
Turi.

§Provisional.

IV.—United Provinces.

Luniya group—
Beldar.
Kharot.

Chamar group—
Chamar.
Dabgar.
Gharami.

Bhangi group—
Balmiki.
Hari.
Hela.
Rawat.
Dhanuk.
Turaiha.
Lalbegi.

Kolarian group—
Agariya.
Bhuiya.
Chero.
Ghasiya.
Khairaha.
Kharwar (excluding Benbansi).

Kolarian group—(*contd.*)
Kol.
Korwa.
Majhwar.
Pankha.
Parahiya.
Patari.

Bayar group—
Banmanus.
Dhangar.

Dom group—
Balahar.
Bansphor.
Basor.
Dharkar.
Dom.
Domar.
Pasi.

Hill Dom group—
Hill Dom or Shilpkar
Saun.

Vagrant Tribes:
Habura group-
Habura.
Bengali.
Beriya.
Bhantu.
Kanjar.
Karwal.
Sansiya.

Nat group—
Nat.
Badi.
Bajaniya.
Bajgi.
Gual.
Kalabaz.

Badhik group—
Badhik.
Barwar.
Bawariya.
Boriya.
Saharya.
Sanaurhiya
Kapariya.

V.—Punjab.

Ad Dharmis.
Bawaria.
Chamar.
Chuhra.
Dagi and Koli.
Dumna.
Od.
Sansi.
Sarera.
Marija (Marecha).
Bangali.
Barar.
Bazigar.
Bhanjra.
Chanal.
Dhanak.
Gagra.
Gandhila.
Khatik.
Kori.
Nat.
Pasi.
Perna.
Sapela.
Sirkiband.
Meghs.
Ramdasis.

VI.—Bihar and Orissa.

*Bauri.
*Bhogta.
*Bhuiya.
*Bhumij.
Chamar.
Chaupal.
Dhobi.
Dosadh.
Dom.
*Ghasi.
Ghusuria.
Godra.
Gokha.
Halalkhor.
Hari.
Irika.
Kandra.
Kanjar.
Kela.
Kurariar.
Lalbegi.
Mahuria.
Mangan.
Mochi.
Mushahar.
Nat.
*Pan.
Pasi.
*Rajwar.
Siyal.
*Turi.

*Scheduled castes in those localities which are not treated as "backward tracts" for the purpose of special representation of the aboriginals.

VII.—CENTRAL PROVINCES WITH BERAR.

(See Introduction, paragraph 45.)

(1) Throughout the Central Provinces and Berar :—

Mehra or Mahar (except in the Harda tahsil and Sohagpur tahsil of Hoshangabad district), Basor or Burud, Mehtar or Bhangi, Dom, Chamar, Satnami, Mochi, Ganda, Mang.

(2) Throughout the Jubbulpore and Nerbudda divisions:—

Kori (except in the Harda and Sohagpur tahsils of Hoshangabad district), Mala, Balahi.

(3) Throughout the Nagpur and Berar divisions:—

Balahi, Madgi, Pradhan (except in Balaghat district), Ghasia, Katia, Panka, Khatik, Kaikari (except in Balaghat district), Dohor.

(4) Throughout the Chhattisgarh division :—

Ghasia, Katia, Panka, Dewar.

(5) Additional castes scheduled in the districts specified after their name :—

Panka (Saugor, Damoh, Chhindwara).

Katia [Saugor, Hoshangabad (only in Hoshangabad and Seoni-Malwa tahsils), Nimar, Betul, Chhindwara].

Khatik [Saugor, Hoshangabad (only in Hoshangabad tahsil), Chhindwara].

Dhobi [Saugor, Damoh, Hoshangabad (only in Hoshangabad and Seoni-Malwa tahsils), Bhandara, Raipur, Bilaspur, Buldana].

Khangar [Saugor, Damoh, Bhandara, Buldana, Hoshangabad (only in Hoshangabad and Seoni-Malwa tahsils)].

Chadar (Saugor, Damoh, Bhandara).

Dhanuk (Saugor).

Kumhar [Saugor, Damoh, Hoshangabad (only in Hoshangabad and Seoni-Malwa tahsil), Bhandara and Buldana].

Dahayat (Damoh).

Nagarchi (Mandla, Seoni, Chhindwara, Nagpur, Bhandara, Balaghat, Raipur).

Ojha [Mandla, Hoshangabad (only in Hoshangabad tahsil), Bhandara, Balaghat].

Pardhi (Narsinghpur).

Rujjhar [Hoshangabad (only in Sohagpur tahsil)].

Pradhan (Nimar, Chhindwara, Raipur).

Holiya (Bhandara, Balaghat).

Kori (Bhandara, Balaghat, Raipur, Amraoti, Buldana).

Audhelia (Bilaspur).

Chauhan (Drug).
Koli (Chanda, Bhandara).
Jangam (Bhandara).
Bedar (Amraoti, Akola, Buldana).
Bahna (Amraoti).
Dhimar (Bhandara, Buldana).
Mala (Balaghat).

VIII.—Assam.

1. *Assam Valley*—

Namasudra.
Kaibarta.
Bania (Brittial-Bania).
Hira
Sweeper.

2. *Surma Valley* –

Mali (indigenous).
Dhupi (Dhobi),
Dugla or Dholi
Jhalo and Malo.
Yogi (Jogi or Nath)
Mahara.
Sutradhar.
Muchi.
Patni.
Namasudra.
Kaibarta (Jaliya)
Sweeper,

3. The inclusion of the Suts (Borias) and Naths (Jogis or Katonis) of the Assam Valley in the scheduled castes is under investigation.

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